

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) CRIMINAL CASE NO. CCB-16-0267
DANTE BAILEY, et al.,)
Defendants.)

Tuesday, April 2, 2019
Courtroom 1A
Baltimore, Maryland

BEFORE: THE HONORABLE CATHERINE C. BLAKE, JUDGE
(AND A JURY)

VOLUME IX

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7 Harry Trainor, Esquire

8 For the Defendant Shakeen Davis:

9 Paul Hazlehurst, Esquire

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11 For the Defendant Sydni Frazier:

12 Christopher Davis, Esquire

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14 Also Present:

15 Special Agent Christian Aanonsen, ATF

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Douglas J. Zweizing, RDR, CRR - Federal Official Court Reporter

PROCEDINGS

(10:47 a.m.)

THE COURT: Good morning, everyone.

Best-laid plans don't work. So we had a delay in a sentencing, so here we are now obviously, presumably with the jury waiting for us.

I know we need to discuss -- presumably that's still sort of first up, needs to be discussed, the ballistics issue.

Is there some other issue?

MS. WHALEN: Your Honor, I just wanted to interpose some objections to iCloud exhibits that I anticipate will be coming in today.

THE COURT: Okay. All right. Well, let's get back to iCloud.

Okay. As far as the ballistics, I have obviously read your memos and various opinions.

I'm happy -- I guess I'll start with whoever is speaking for the defense. Anything else you want to say about the ballistics issue?

MS. WHALEN: Your Honor, just in terms of the Daubert motion that includes the exclusion completely, I think we have briefed that extensively. Your Honor has indicated that you are more likely to limit rather than exclude. So I think that record has been preserved enough.

With regard to the limitations, I submitted yesterday

1 some limitations on the expert's testimony that I referenced to
2 the Medley opinion by Judge Grimm dealing with the terms that
3 would be used: "Match", "certainty," and the like.

4 And all of that, I think, goes to the heart of what
5 the examiner should be able to say based on the fact that he
6 has a subjective conclusion relating to the comparisons that
7 he's made.

8 Your Honor pointed out the Johnson case, and I have
9 had an opportunity to take a look at that Southern District of
10 New York opinion.

11 I think the -- which cites to Medley. And the way I
12 interpret that opinion is that the distinction is the examiner
13 was able -- unlike in Medley -- able to use the term "match,"
14 for instance.

15 And that was mostly, I think, because after a Daubert
16 hearing, the judge felt that he had sufficiently used a
17 methodology. And the Government conceded that he was not going
18 to be talking about the level of certainty.

19 So I think the difference here is we have not heard
20 from the examiner as to what a match means, so we have to take
21 that at face value.

22 His exhibits are specific to -- or his conclusions put
23 into report form are specific that a firing-pin impression was
24 made by the same firing pin.

25 I think -- and then he also uses the term "match."

1 And he also indicates with certainty, I think, in his language
2 that, again, that the firing-pin impressions were made from the
3 same firing pin. And then further on he says that --
4 questioned bullets, I believe, were fired with the same unknown
5 firearm.

6 So take that at face value. That is, to the examiner,
7 a hundred percent certainty. He's not using any term that
8 would allow the jury to infer anything but that, I would
9 suggest.

10 And so I am still requesting that there be limitations
11 on his ultimate conclusion, consistent with Medley.

12 We have no information at this stage that he --
13 because his reports and the expert notice do not indicate that
14 he used, for instance, a methodology as in Johnson. That
15 examiner used the CMS methodology or a quantitative
16 methodology.

17 So because we have no information relating to that, I
18 would ask Your Honor to take the conservative, more prudent, in
19 my judgment, determination that the Medley restrictions and
20 limitations should be applied, because since there's no notice,
21 since there wasn't an actual hearing, we are left shooting in
22 the dark.

23 In other words, if he says there's a match, I can't
24 effectively cross-examine because I can't be sure that this
25 expert will not say, Well, it is a match to the exclusion of

1 all other weapons, because that's what his language in his
2 report says.

3 Thank you.

4 **THE COURT:** Okay. Thank you.

5 Would the Government like to address that?

6 **MS. HOFFMAN:** Yes, Your Honor.

7 I think we've been clear in our brief that we are not
8 attempting to elicit any testimony about Mr. Wagster or
9 Mr. Lamont's level of certainty.

10 And Mr. Wagster, if questioned about it -- I spoke to
11 him about it this morning -- he would acknowledge that, you
12 know, of course, he can never be a hundred percent certain. He
13 can't examine every single firearm in the world in order to
14 determine that there are no two firearms that ever make
15 identical markings.

16 What we have proposed in our motions response is that
17 he be permitted to state his conclusion, which is that
18 particular ammunition components did come from the same known
19 or unknown firearm -- with respect to the Bangout murder, it's
20 the same unknown firearm. With respect to the Johnson murder,
21 it's a known firearm -- and that we would not elicit any
22 testimony about certainty level, whether it's a hundred percent
23 or a reasonable level of certainty or anything along those
24 lines.

25 I did -- I suppose I'll start with the Johnson SDNY

1 opinion since Your Honor flagged that for us yesterday.

2 I did have a chance to review it and to go over it
3 with Mr. Wagster briefly this morning.

4 And both Mr. Wagster and Mr. Lamont, the BPD lab in
5 general, they used the AFTE method of identification, which is
6 what the Johnson opinion finds is essentially the gold standard
7 in the field. There is no claim here that the experts didn't
8 properly follow that AFTE methodology.

9 Furthermore, the BPD lab is a certified lab. It's
10 certified by an institution known as ANAB. And they do use
11 blind reanalysis in every case by an independent co-examiner,
12 which the Johnson opinion found significant. And Johnson
13 disagreed with Medley on that score and said that that's an
14 important factor.

15 Like the examiner in Johnson, Mr. Wagster and
16 Mr. Lamont both undergo proficiency testing every year in every
17 subfield. And both of them have perfect records of passing
18 those proficiency tests, which the Johnson court also found
19 significant.

20 Like the examiner in Johnson, Mr. Wagster would resist
21 articulating the sufficient agreement standard in definitive,
22 quantitative terms. So there was the same issue in Johnson.
23 Mr. Fox didn't want to give an absolute number for a floor for
24 the number of markings that match.

25 But Mr. Wagster did say that in this case, he could

1 say -- in reviewing his notes, he could say there were -- and
2 looking at the photographs, he could see there were at least 15
3 matching striations in breech face and at least eight in
4 firing-pin impressions, which is much more than what the CMS
5 method requires.

6 The photographs here -- I think even an untrained
7 observer can certainly see matching marks in the photographs
8 that both Mr. Wagster and Mr. Lamont have included in their
9 reports.

10 However, I think it's very important to note -- and we
11 noted this in our brief -- that -- and Mr. Wagster would
12 testify that the photographs are not nearly as revealing as
13 what a trained examiner sees through an \$80,000,
14 three-dimensional microscope.

15 That the -- he used the -- he said, The microscope
16 costs \$80,000, but the camera is not even as good as your
17 iPhone camera. So, I mean, these photographs are just -- are
18 not -- they don't reveal everything that you see through the
19 microscope. And we shouldn't be critiquing his conclusions
20 based on -- based on the photographs alone.

21 The purpose of the photographs is just to document the
22 areas that they're looking at for future, if someone wants to
23 re-examine the evidence in the future, whether it's them or
24 someone else.

25 I did kind of want to take a step back and address the

1 PCAST report, too. I don't know -- we put a lot of this in our
2 brief. Our brief was very long. I apologize for its length,
3 but I wanted to kind of summarize and hit -- there are five
4 reasons why we think that PCAST got it wrong.

5 First, PCAST focuses on one of the Daubert factors to
6 the exclusion of the others. So Daubert lays out five
7 nonexhaustive factors: Testability, peer review, error rate,
8 uniform standards, and general acceptance.

9 And PCAST really has tunnel vision just as to one of
10 those factors, which is known or potential error rate.

11 Second, in focusing on that one factor, PCAST casts
12 aside large bodies of validation research. They limit
13 themselves to what they call black box studies which, in my
14 opinion, I don't think they gave really a satisfactory
15 definition of what black box studies are or certainly why we
16 should limit our review to those under Daubert. Daubert
17 doesn't say anything about, you know, black box studies only.

18 And we've cited a number of compelling validation
19 studies in our brief, including studies of consecutively
20 manufactured firearms where you would expect the false-positive
21 rate to be at its highest. And those studies find an error
22 rate of zero or close to zero.

23 Third, the PCAST report, it fails to account for
24 standard quality assurance measures used by laboratories like
25 BPD's that further reduce the error rate.

1 So PCAST fixates on the Ames study, which finds an
2 error rate of 1 percent or a range of .36 percent to
3 2.26 percent with a 95 percent confidence level.

4 But the study -- the Ames study itself actually
5 provides reasons why this is likely an overestimation.

6 Most of the false identifications were made by a very
7 small number of examiners, meaning that there were really a few
8 outliers, a few bad apples who greatly inflated the error rate.

9 Here we have highly, highly trained experts who have
10 been doing this -- both of them have been doing it for decades.
11 They've -- like I said, they've gotten perfect scores on all
12 their proficiency testing. There's every reason to think that
13 their error rate is exceedingly low.

14 And, furthermore, we have, you know, the requirement
15 of blind reanalysis in every case, which means that even if you
16 accept the worst-case scenario error rate that the defendants
17 want us to use, which is the 1 in 46 error rate from the
18 Ames report, the odds of two independent examiners both getting
19 it wrong would be 1 in 2,116, which is less than a 20th of a
20 percent, and I think that's really exceedingly low.

21 Fourth -- and this is really important, too -- the
22 PCAST report I don't think acknowledges that firearms and
23 tool mark identification is nonconsumptive, meaning that in
24 every case, the defendant can hire his or her own expert to
25 examine the evidence and reach their own conclusions. And

1 that's -- that's really important. We're not dealing with DNA
2 or chemical analysis that can't be tested, can't be retested by
3 the defense. They have an equal ability to look at the
4 evidence and test those conclusions.

5 And, fifth, PCAST imposes an unrealistic standard when
6 it comes to error rate. I think the Johnson SDNY case that
7 Your Honor flagged talks about this.

8 There's a possibility of error in every forensic
9 science: DNA, fingerprint, chemical analysis, handwriting
10 analysis, medical and psychiatric diagnoses. No forensic
11 science is error-proof, and we shouldn't impose a higher
12 standard on firearms experts than we do on fingerprint or
13 handwriting experts. And I promise I'm almost done.

14 But I did want to talk just very briefly about the
15 Fourth Circuit's opinion in United States versus Crisp. We
16 cited Crisp in our brief. It's at 324 F.3d 261.

17 Crisp is a 2003 opinion by Judge King, joined by
18 Chief Judge Wilkins. And it rejected nearly identical
19 challenges to expert testimony regarding fingerprint matches
20 and handwriting matches.

21 And in Crisp, like here, the defendant alleged that it
22 hasn't been proven that no two people have the same
23 fingerprints or no two people have the same handwriting and
24 that there weren't established error rates in those fields.

25 And as here, they also relied on a publication by the

1 National Institute of Justice calling for more validation
2 studies, citing a dearth of such studies.

3 And the Fourth Circuit agreed that, quote, Further
4 research, more searching scholarly review, and the development
5 of even more consistent professional standards is desirable,
6 unquote. But it held that those shortcomings did not warrant
7 rejection of, quote, a form of evidence that has so ably
8 withstood the test of time, unquote.

9 And the Fourth Circuit placed primary emphasis on the
10 fact that fingerprint and handwriting analysis have achieved
11 strong general acceptance in the scientific community and in
12 the courts.

13 They stressed the Daubert language about how vigorous
14 cross-examination, presentation of contrary evidence, and
15 careful instruction on the burden of proof are the traditional
16 and appropriate means of attacking shaky but admissible
17 evidence.

18 Notably, with respect to handwriting analysis in
19 particular, the Court actually noted in a footnote that the
20 error rate may be as high as 6 percent for handwriting analysis
21 but, nonetheless, held that to the extent that a given
22 handwriting analysis is flawed or flimsy, an able defense
23 lawyer will bring that fact to the jury's attention.

24 So that was an error rate of 6 percent. What we have
25 here is something much closer to zero, and we think that Crisp

1 should dictate the result in this case.

2 We think, respectfully, that Judge Grimm got it wrong
3 in Medley, but that also there are a number of factual
4 distinctions between this case and Medley.

5 And as we said in our brief and as I said at the
6 outset, we think that the examiner -- the examiner should be
7 able to state their ultimate conclusions that particular
8 ammunition components came from the same -- and using the word
9 "same," the same known or unknown firearm. Even using the word
10 "match." But they should -- like I said, they should not
11 testify to absolute certainty.

12 We won't elicit any testimony about certainty level.
13 They can certainly be crossed about error rates in the field,
14 and they will truthfully respond based on their review of the
15 literature and their own experience. I think they will
16 acknowledge that they can't ever be a hundred percent certain.

17 And so we ask that the Court not impose the
18 restrictions that were imposed in Medley but allow the
19 examiners to state their conclusions.

20 **THE COURT:** Yes. If it is pressed on
21 cross-examination, would your witness have any difficulty with
22 the upper limit of certainty being a reasonable certainty in
23 the field of ballistics? Because I think we need to set some
24 upper limit.

25 **MS. HOFFMAN:** I haven't gone over that language with

1 him. I certainly can such that, you know, if he's crossed, he
2 can use the magic words "reasonable level of certainty."

3 I would point out what I pointed out yesterday, which
4 is that the defense has stated that they might call their own
5 expert, and so it does get a little bit tricky.

6 I think that to the extent that they plan to call a
7 defense expert who's going to testify that, you know, the error
8 rate is, I don't know what, 3 percent in the field and that
9 it's entirely subjective and that you can never be more than
10 70 percent certain or -- you know, I don't know what their
11 expert's going to say, but we do need to have a chance to rebut
12 that.

13 And maybe that means just re-calling Mr. Wagster in
14 rebuttal. You know, we can see what comes and then re-call him
15 if we need to.

16 **THE COURT:** Yes.

17 Ms. Whalen, I know you've requested more limits, but
18 what the Government -- with the Government proposing not to
19 elicit any degree of certainty, although using, in his opinion,
20 the word "same" or "match" when describing the marks that are
21 left, where would you see that going on cross? And would you
22 want an upper limit of reasonable certainty in the field of
23 ballistics or something like that?

24 **MS. WHALEN:** Your Honor, I can't -- without knowing
25 more of what the expert would say, I can't envision exactly

1 where it would go.

2 **THE COURT:** Okay.

3 **MS. WHALEN:** However, my concern is, as I stated
4 before, that if questioned about that language, "same" or
5 "match," while he may be saying to the Government, "I can't say
6 that I'm a hundred percent sure," when you start talking
7 percentages, if he starts using any other numbers that are
8 high, such as what I'm saying "same" and "match" mean, then I
9 would suggest that at that point -- at that point he is being
10 allowed to testify beyond what I think he should be allowed to
11 testify, because it is a subjective. It's his own opinion, and
12 he's getting into that realm of "my opinion is to the exclusion
13 of other firearms" or "to the exclusion of other bullets or
14 cartridge casings."

15 So my suggestion is he shouldn't be allowed to get
16 into any level of certainty. But I come back to he has -- any
17 opinion that he gives, consistent with what his report says, is
18 a level of certainty.

19 So we're -- the Government's basically doing an end
20 run on, okay, we're not going to ask him if he's a hundred
21 percent sure, but we're going to ask him:

22 Did it match?

23 Yes.

24 Is it the same?

25 Yes.

1 That's a hundred percent certainty.

2 **THE COURT:** Well, I think that saying that something
3 is the same or a match, in his opinion, is not the same as
4 saying, "And I'm a hundred percent convinced that my opinion is
5 correct."

6 I understand you. But I don't think that -- well, for
7 reasons I'm about to explain, I'm not going to prevent him from
8 saying that, in his opinion, it came from the same gun or that
9 it is a match within a reasonable degree of certainty in the
10 field of ballistics.

11 This is a -- obviously can be, and has become
12 recently, a complicated question.

13 Let me explain where I think we are. And I certainly
14 have considered Medley and have great respect for Judge Grimm.
15 Each of us has to make a decision based on the particular
16 evidence that's in front of us.

17 I appreciate being proffered by the Government, and I
18 assume I will hear that the firearms examiner found at least 15
19 what he believes to be matching marks as to one of the examples
20 and at least eight as to the other. That is higher, I would
21 note, than the six that was the CMS methodology the examiner
22 testified to in United States v. Johnson.

23 So what we're considering here is the admissibility of
24 testimony under Federal Rule of Evidence 702 and, of course,
25 Daubert.

1 And I think it's always ironic, but I do point out
2 that Daubert initially was intended to relax the standard for
3 admitting scientific evidence. It was seen as an expansion
4 beyond the Frye test that used to control us.

5 I recognize that it hasn't always been -- seemed to
6 have that result. And, of course, there is a gatekeeping
7 function that the Court is required to apply, which is what I'm
8 doing.

9 The question is whether there -- first of all, whether
10 this would be testimony, opinion testimony that would be
11 helpful and beyond the ken, if you will, the experience of the
12 average juror.

13 And I do think that this is at least technical or
14 specialized evidence, if not scientific. But at least
15 technical or specialized evidence that is not something that
16 the jury would ordinarily be able to clearly understand on its
17 own. And it is within the scope of Rule 702.

18 In this particular instance proffered to me, and I
19 think fairly thoroughly -- although I have not heard them
20 testify in this case in person yet -- but it's been fairly
21 thoroughly proffered, and I assume we'll follow-up, that the
22 firearms examiners in this case have extensive experience.

23 They've been doing this for years. They work in a
24 certified lab. They follow the AFTE methods. There is a
25 check, a second examiner, doing what the Government just called

1 blind reanalysis. They don't know the results ahead of doing
2 that same analysis again. I think that's a significant check
3 on the opinion.

4 In addition to the experience and training and the
5 certified lab, I'm relying on the proficiency testing that I
6 believe these examiners go through frequently.

7 So I think their qualifications -- their
8 qualifications are good.

9 Is the evidence -- is it relevant? It's certainly
10 relevant.

11 Is it reliable? Looking at the various Daubert
12 functions -- excuse me, standards and criteria, of course, also
13 recognizing that the Supreme Court has said not every criterion
14 applies equally in every case.

15 In terms of testability, it appears that this is
16 testable as a general matter.

17 I would say that even the PCAST report -- and the
18 PCAST report itself has many challenges. Even the PCAST report
19 identified the one study, the Ames study, as what it did think
20 was a sufficient test of an error rate.

21 And even accepting the error rate found in that one
22 study that PCAST did recognize, it was at most about 2 percent.
23 I think that's well within the range. There's always going to
24 be some degree of error rate.

25 So I think there are studies that have been and can be

1 done, and I guess there's -- then there's the proficiency
2 testing as well and the -- as I said, the review by a second
3 examiner.

4 In this case we did have photographs and reports and
5 notes in the reports. And this isn't directly a matter of
6 testability, but I think it's a significant point that the
7 defense has access to its own experts.

8 The evidence is available to be reviewed, studied,
9 examined by other experts retained by the defense, and that
10 certainly can both assist with cross-examination. And if they
11 come to a different result, that can be presented as well.

12 In terms of peer review and publication, there are a
13 lot of publications. The AFTE journal has been recognized as
14 peer-reviewed literature.

15 And, again, it's a form of peer review, I believe,
16 when people go through the proficiency, the blind testing. I
17 believe there's been reference to testing on consecutively
18 manufactured guns, indeed.

19 And we have that proficiency testing and reanalysis
20 here as well as the AFTE methodology and peer-reviewed
21 standards -- journals, rather.

22 The controlling standards of sufficient agreement -- I
23 recognize that that is, perhaps, the greatest issue for
24 cross-examination. There is, necessarily, some subjectivity in
25 the opinion. I think that's true in other fields as well. The

1 medical field would come to mind.

2 But the matching is something, again, that is verified
3 by a second examiner, can be challenged by a defense expert.

4 And in this instance, while the methodology does not
5 put a specific number as to how many matches there must be,
6 what's been proffered to me seems sufficient. It's not just
7 one or two. It's eight as to one and fifteen as to the other
8 that has been -- at least that's been proffered to me.

9 In terms of the -- well, I guess I've addressed the
10 error rate. It just seems to be fairly low, even if the
11 Ames study is correct. And the backup examination by a second
12 examiner should make that error rate even lower.

13 And in terms of acceptance, this is still a widely
14 accepted technique.

15 Having said all that, there is language in the reports
16 that this results in an opinion to a level of certainty to the
17 exclusion of all other firearms. I think that would be clearly
18 too much of a degree of certainty to express. I will not
19 permit that.

20 It is, I believe, more of a technical discipline than
21 scientific, and it has to recognize the limits inherent in the
22 field of ballistics. So that would be the maximum level of
23 certainty as to his opinion that he would be allowed to express
24 if that comes up on cross-examination, because I'm
25 understanding that the Government's not going to elicit any

1 degree of certainty in his opinion.

2 So I am -- again, I think this case is distinguishable
3 from Medley. I think there are limitations that are
4 appropriate, but I don't think in this case that we are at a
5 point of precluding these examiners from saying that they
6 believe there are matching marks and, therefore, they believe
7 that the same gun is involved, subject, as I've said -- and I
8 have a great deal of faith in cross-examination and in the
9 defense ability to call their own experts. And I think this is
10 the way to do it.

11 I will also -- unless someone doesn't want me to --
12 but I would also remind the jury, when the testimony is about
13 to be given, that the fact that someone is allowed to testify
14 as an expert does not mean that the jury has to accept that
15 opinion. It's up to them to evaluate those opinions like those
16 of other witnesses, and they don't have to accept an expert
17 opinion.

18 So I would be happy to give that instruction, both at
19 the time of the testimony and also in the jury instructions at
20 the end of the case.

21 **MS. WHALEN:** I think, on behalf of Mr. Bailey, we
22 would request an instruction.

23 **THE COURT:** Okay. All right.

24 **MS. HOFFMAN:** And, Your Honor, in light of the --
25 Your Honor's careful ruling -- and I apologize, because I know

1 the jury's waiting -- but could I have five to ten minutes to
2 speak with Mr. Wagster to explain what your ruling was, what
3 the limitations are, what he can and cannot say?

4 **THE COURT:** Yes. I think it would be a good idea for
5 you to speak to him first.

6 **MS. HOFFMAN:** Okay. Thank you.

7 **THE COURT:** Okay. But I think we'll -- I don't know
8 that that makes sense to take a whole break, so perhaps you can
9 go out and speak to him and let's see if -- your co-counsel is
10 here. Perhaps there's something else, some other issue we can
11 take up.

12 And, by the way, I'll reserve -- that is obviously an
13 oral ruling. I will reserve the right to edit it for my errors
14 of grammar and style but not for substance.

15 Ms. Whalen.

16 **MS. WHALEN:** Your Honor, I'm not sure exactly which
17 witnesses some of this evidence will come in, so I'm sure
18 Government's counsel will just let me know if that's something
19 that Ms. Hoffman should be handling.

20 **THE COURT:** Sure.

21 **MS. WHALEN:** So my understanding is that there will be
22 iCloud 87, which shows my client making hand signs like we've
23 seen in several others. He's with another in a car.

24 iCloud 88, which is my client and Nick and another
25 person.

1 ICloud 109, which is Dirt and Spittle.

2 And 134 is a video. I guess, Your Honor, for the same
3 reasons that we've been noting and we've put in our pleadings,
4 we believe that these are cumulative and that it should be to
5 the Government to distinguish them for having some purpose
6 other than what's already been presented to the jury, which
7 there have been pictures of my client and Nick. There have
8 been certainly the signs.

9 The video, it's very short and it's at the gas
10 station, but it's like a jumble of things. And what I hear in
11 the background -- and I apologize for using these terms -- but
12 it's something like, Bitch ass Bo.

13 There's a woman that's in it. There's just nothing
14 distinguishing that I see in that video, so we'd object to
15 that.

16 There's one -- this is kind of just for consistency,
17 this objection. Social Media 10, SM-10, it's actually, I
18 believe, Mr. Davis' account, per the Government's
19 identification of it. And there are -- on four of the
20 different slides, there are those little boxes.

21 So this is a certified business record, and I believe
22 we objected early on in the trial to those little boxes where
23 the Government has included on the business record something
24 from their work. And for the same reasons that we objected
25 before, we're objecting to the actual alteration of the

1 business record with -- and I don't think there will be
2 testimony from an agent today about how or why those things got
3 put in the box.

4 And I believe I've hit them all, Your Honor.

5 **MR. HAZLEHURST:** Your Honor, on behalf of Mr. Davis, I
6 would join the objection. I would agree that that is an
7 alteration of that business record; those red boxes were
8 supplied by the Government.

9 **THE COURT:** Okay.

10 **MS. AMATO:** And excuse me, Your Honor. I just wanted
11 to join as to the objection regarding the small, little video.
12 I think it was IC-34 [sic]. There's no relevance.

13 There is a woman that is speaking. There's no
14 allegation that what she says, whatever she says -- it's hard
15 to understand -- but that she's a co-conspirator. And, so
16 therefore, I mean, whatever she's saying is hearsay, but the
17 whole thing is just not relevant.

18 **THE COURT:** Okay. On the four boxes, what I
19 understood the initial testimony to be was that those four
20 boxes were filled in in the original business record, had
21 emojis or whatever in them. But it was a matter of how they
22 had to be transferred, if you will, or extracted from the
23 business records to be produced here that caused the boxes to
24 appear as if they were empty but that they were not empty in
25 the original business record. Is that --

1 **MS. PERRY:** That is correct, Your Honor. That
2 information was embedded in the actual business record
3 returned. It was just the way that they needed to be placed on
4 the PDFs in order to be an exhibit.

5 **THE COURT:** Yes. So if that's the objection on SM-10,
6 I will overrule it.

7 The other four, do you want to tell me why they are
8 not cumulative.

9 **MS. PERRY:** Sure, Your Honor.

10 The first two that Ms. Whalen pointed out, the
11 photographs, including Mr. Bailey, do also include the witness
12 who we intend to introduce them through. We believe that
13 they're relevant and probative to corroborate that he was at
14 these locations and hanging out with these individuals during
15 the time period of his testimony.

16 As to the other two photographs, including the one
17 that has Mr. Banks in it and the one that has Mr. Anderson in
18 it, there are particular things about the vehicles that the
19 individuals are in that the witness who we intend to introduce
20 them through is able to identify. So it is, again,
21 corroborative.

22 The witness will identify how he knew these people and
23 what kind of vehicles that they commonly drove in, and these
24 photographs are those people and those vehicles. So we believe
25 that they are just illustrative and corroborative of the

1 witness who's testifying.

2 I don't intend to --

3 **THE COURT:** You said Photographs -- 109 was a
4 photograph --

5 **MS. PERRY:** Yes, Your Honor. I apologize. 109 is a
6 photograph and includes Mr. Banks in a vehicle that the witness
7 will identify as the vehicle he knew Mr. Banks to be in.

8 **THE COURT:** So the vehicle is relevant as to 109 --

9 **MS. PERRY:** Yes, Your Honor.

10 **THE COURT:** -- as to Mr. Randy Banks.

11 **MS. PERRY:** That is correct.

12 **THE COURT:** The video?

13 **MS. PERRY:** The same with the video in IC-134. It is
14 a video. The witness, I believe, will identify that it is
15 Mr. Bailey speaking; that it is taken at the gas station; and
16 that Mr. Anderson drives up in a vehicle he knows to be
17 Mr. Anderson's vehicle. So the vehicle is what is relevant
18 there.

19 I do intend to ask the witness if he recognizes the
20 voice on the video, the male voice on the video. I don't
21 intend to ask him anything about the female voice and can
22 probably -- I don't exactly remember -- probably stop the video
23 before we even get to the female voice. Certainly the very
24 beginning of the video is Mr. Anderson driving up in a car that
25 the witness will testify about.

1 **MS. AMATO:** Your Honor, as to Mr. Anderson in that
2 video, I'm not quite sure what the relevance of the vehicle is,
3 but it's not that we are going to be objecting to Mr. Anderson,
4 the identification of a particular vehicle that's connected
5 with him. At his residence there was that vehicle, I believe,
6 the black Honda. And they searched the vehicle.

7 So I'm not quite sure what the relevance is. We're
8 not claiming that the black Honda was not Mr. Anderson's.

9 **THE COURT:** Are you offering some sort of stipulation?

10 **MS. AMATO:** Well, we could.

11 **THE COURT:** Why don't you have a little more
12 conversation about that and the video and also see if the video
13 can be shortened to eliminate the unrelated woman, and let me
14 know before that actually gets played.

15 **MS. PERRY:** Yes, Your Honor.

16 **MR. SARDELLI:** Your Honor, as to 109 that was
17 discussed with Mr. Banks -- excuse me, Your Honor -- I didn't
18 hear any relevance.

19 I believe the vehicle -- the pictures are of him
20 sitting in a vehicle. It's a Mercedes. He's sitting in the
21 vehicle with another person. I didn't hear what the relevance
22 is.

23 I don't believe the vehicle is registered to him or
24 linked to him in any other way. So I'm not sure besides
25 taking -- having a picture of him sitting in the vehicle, how

1 it's relevant in any type of way, Your Honor. I didn't hear
2 any.

3 **THE COURT:** I gather it's for his connection with the
4 vehicle. That's what I -- that's what I heard, that it's that
5 he is connected to that vehicle.

6 **MR. SARDELLI:** Beyond saying that they think that's
7 relevant, I didn't hear them explain how that's relevant. I'm
8 still lost as to what the relevance of the vehicle is,
9 Your Honor.

10 **THE COURT:** Okay. Relevance of the vehicle?

11 **MS. PERRY:** Your Honor, first of all, it just
12 corroborates what the witness was able to observe and see and
13 what he knows and what other witnesses will say about Mr. Banks
14 and what vehicle he drove in to corroborate those witnesses as
15 well.

16 It's Mr. Banks sitting in a vehicle. It's a
17 photograph from Mr. Bailey's iCloud account. So we think that
18 the corroborative nature is relevant and there's certainly
19 nothing prejudicial about it.

20 I mean, there's no hand signs I will be asking about.
21 He also appears with another person in that photograph who is
22 alleged to be a co-conspirator, so I believe it is relevant.

23 **THE COURT:** Okay. We've probably spent more time
24 arguing about these photographs than it would have taken to
25 just show them. But for right now, I don't see an issue with

1 87, 88, and 109. We can talk further about the 134, the video,
2 before it's actually played.

3 Are we ready for the jury?

4 **MS. HOFFMAN:** I think so.

5 **THE COURT:** Okay.

6 (Jury entered the courtroom at 11:27 a.m.)

7 **THE COURT:** So welcome back, ladies and gentlemen. I
8 apologize. There were events this morning that have nothing to
9 do with any of these folks that pushed us back. So I really
10 appreciate your patience, but I do think we're ready for the
11 next witness.

12 **MS. HOFFMAN:** The Government calls James Wagster.

13 JAMES WAGSTER, GOVERNMENT'S WITNESS, SWORN.

14 **THE CLERK:** Please be seated.

15 Please speak directly into the microphone.

16 State and spell your full name for the record, please.

17 **THE WITNESS:** James L. Wagster. J-A-M-E-S L. Wagster,
18 W-A-G-S-T-E-R.

19 **THE CLERK:** Thank you.

20 DIRECT EXAMINATION ON VOIR DIRE

21 **BY MS. HOFFMAN:**

22 **Q.** Good morning, Mr. Wagster.

23 **A.** Good morning.

24 **Q.** Where do you work?

25 **A.** Baltimore City Police firearms analysis unit.

1 **Q.** And can you tell the ladies and gentlemen of the jury a
2 little bit about what you do at the firearms examination unit.

3 **A.** We examine all the firearms-related evidence that comes
4 through the police department: The firearms themselves; fired
5 ammunition components, which are bullets and cartridge cases;
6 and any live ammunition that's submitted.

7 **Q.** And do you conduct comparisons of ammunition components?

8 **A.** Yes, ma'am.

9 **Q.** And what's the purpose of conducting those comparisons?

10 **A.** A, to determine caliber. Also, to determine if they were
11 fired with the same firearm or different firearms.

12 **Q.** How long have you been employed with BPD's firearms
13 examination unit?

14 **A.** A little over 26 years.

15 **Q.** And were you in law enforcement before that?

16 **A.** Yes.

17 **Q.** Where were you before that?

18 **A.** I was a Baltimore County officer.

19 **Q.** How long were you with Baltimore County?

20 **A.** 20 years.

21 **Q.** And were you also involved in firearms examination with
22 Baltimore County?

23 **A.** From '86 on, yes, ma'am.

24 **Q.** From '86 until -- and when did you start with BPD?

25 **A.** '92.

1 **Q.** Okay. So does that mean you have at least 32 years of
2 experience in firearms examination?

3 **A.** Yes, ma'am.

4 **Q.** Do you have specialized training that assists you in the
5 performance of your duties?

6 **A.** There was no schools that teach firearms identification in
7 1986. I was assigned to the Maryland State Police and trained
8 under one of their examiners, Mr. Don Floor (ph). I'm also a
9 member of AFTE, which is the Association of Firearm and
10 Tool Mark Examiners.

11 **Q.** And can you describe a little bit more about what sort of
12 activities you've undertaken that have helped you with your
13 training.

14 **A.** AFTE puts on yearly seminars, and usually there's a small
15 seminar East Coast Regional. I've attended 'em when the City
16 will let us. I've been to various firearms manufacturers;
17 Beretta here in Maryland; Walther Armorer School; Ruger Armorer
18 School; and Mossberg Firearms; Wilson Barrels; and several
19 other entities in New England.

20 **Q.** And what's the purpose of touring the firearms
21 manufacturing facilities?

22 **A.** To observe how the firearms are made.

23 **Q.** Do you undergo continuing training in your field?

24 **A.** Yes, ma'am.

25 **Q.** And do you undergo proficiency testing?

A. Yes.

Q. How often do you undergo proficiency testing?

A. Every year.

Q. And what's your record of -- what's your pass report?

A. Satisfactory on all of 'em so far.

Q. How many examinations of firearms would you say you've conducted?

A. Thousands. I couldn't tell you the exact number.

Q. Have you ever been qualified to testify as an expert in the field of firearms identification?

A. Yes, ma'am.

Q. Approximately how many times?

A. It's 623 previous times.

Q. And what courts have you been qualified as an expert in?

A. Baltimore City, Baltimore County, Howard County, Harford County, U.S. District Court in Baltimore and Greenbelt.

MS. HOFFMAN: Your Honor, at this point I would ask that James Wagster be qualified as an expert in the field of firearms identification.

MS. WHALEN: Your Honor, if I may voir dire?

THE COURT: Yes, certainly.

CROSS-EXAMINATION ON VOIR DIRE

BY MS. WHALEN:

Q. Good morning, Mr. Wagster.

A. Good morning.

1 Q. Just a couple questions.

2 Have you taken any college courses in, for instance,
3 statistics or probabilities?

4 A. No, ma'am.

5 Q. And have you taken any college courses in, like,
6 metallurgy or anything relating to the components of metal?

7 A. Not metallurgy, no, ma'am.

8 Q. And how about tribology; have you taken any courses in
9 that?

10 A. No.

11 Q. And can you explain for us what that is.

12 A. I'm not sure.

13 Q. Okay. The study of sort of metal moving against each
14 other or metal in movement, any courses on that?

15 A. No.

16 Q. Okay. And your career, certainly has been a lengthy
17 career; and you listed Baltimore County Police Department where
18 you did firearms examinations; correct?

19 A. Yes, ma'am.

20 Q. And Baltimore City now; is that correct?

21 A. Yes.

22 Q. All right. And have there been any other positions that
23 you've held outside of law enforcement?

24 A. I worked for Whitman, Requardt and Associates for several
25 years.

1 **Q.** And was that prior to being a police --

2 **A.** Yes.

3 **Q.** -- officer?

4 All right. But since your tenure with law enforcement way
5 back in 19 --

6 **A.** '72.

7 **Q.** Let me check -- 72, yes, everything has been
8 law enforcement?

9 **A.** Yes, ma'am.

10 **Q.** All right. And the programs, AFTE, the Association of
11 Firearms and Tool Marks Examiners; right?

12 **A.** Yes, ma'am.

13 **Q.** Okay. And AFTE is a compilation of, generally speaking,
14 law enforcement officers; is that correct?

15 **A.** It's a combination of that. Some scientific people also.
16 Some -- most of the firearms have representatives that are
17 members.

18 **Q.** All right.

19 **A.** And the ammunition manufacturers.

20 **Q.** So firearms and ammunition manufacturers?

21 **A.** Yes, ma'am.

22 **Q.** All right. Great.

23 **MS. WHALEN:** Thank you, sir.

24 That's all I have, Your Honor.

25 **THE COURT:** Okay. Anything else?

(No response.)

THE COURT: All right. Based on Mr. Wagster's training and experience, I'm going to find him qualified to give opinion testimony in the field of firearms identification.

I will remind the jury, as I think I said at the very outset of the case, the fact that a witness is found qualified to give you opinion testimony, it's still up to you whether to accept that testimony. It's up to you to listen; to consider the reasons, the training and experience; and then you give an expert's opinion the weight, if any, that you believe it should have, just as you do with any other witness.

But we will allow him to express opinion testimony in this field.

MS. HOFFMAN: Thank you.

DIRECT EXAMINATION

BY MS. HOFFMAN:

Q. Mr. Wagster, you mentioned that you conduct comparisons of firearms and ammunition components: is that right?

A. Yes, ma'am.

Q. And can you start by explaining for us how a cartridge or a round of ammunition is structured.

A. Basically, a cartridge consists of the cartridge case, which is basically a metal tube. In one end would be the primer; the other end would be the bullet; and in between would be the gunpowder.

1 **Q.** And are cartridge cases sometimes referred to as shells or
2 casings?

3 **A.** Yes, ma'am.

4 **Q.** Can you tell us how the actual firing process works.

5 **A.** Depends on the firearm. On a semi-automatic, you'd first
6 have to load the magazine. The magazine would have to be
7 inserted into the firearm and then the first round chambered.
8 When you pull the trigger, hammer, the firing-pin strikes the
9 primer, ignites the gunpowder. It doesn't explode. It burns
10 very, very fast.

11 The bullet's pushed down the barrel. The cartridge case
12 comes back against the rear or the inside of the slide, the
13 breech face. That pushes the slide back. The cartridge is
14 then -- the fired cartridge case is then extracted and ejected
15 out of the firearm. Under spring tension, the slide comes
16 forward, chambers another round, and you get the same action
17 again with each pull of the trigger.

18 If it was a revolver, you'd have to physically open the
19 cylinder, load the cylinder, close the cylinder, and you'd
20 still get one shot with each pull of the trigger. But the
21 fired cartridge case would stay in the firearm until you
22 physically took it out.

23 **Q.** So when a semi-automatic firearm is fired, the
24 cartridge casings are ejected?

25 **A.** Correct.

1 **Q.** And do they land, presumably, somewhere in the vicinity of
2 where the firearm was fired?

3 **A.** Yes, ma'am.

4 **Q.** Now, you just described the firing mechanism. Does that
5 mechanism leave markings on the ammunition components?

6 **A.** It can.

7 **Q.** And can you explain.

8 **A.** When the firing pin is going to leave impressions on the
9 primer and when that cartridge case comes back, it comes back
10 against the breech face with the same force that the bullet
11 goes forward.

12 So those markings on the breech face are stamped onto the
13 head of the cartridge case. They're the two main marks that we
14 use to identify cartridge cases being fired with the same
15 firearm.

16 **Q.** And what about with respect to bullets; are there
17 markings -- are there unique markings left on bullets?

18 **A.** When the bullet goes down the barrel of the firearm, the
19 lands and grooves, which are the -- lands and grooves are cut
20 into the barrel that in part spin into the bullet. They're
21 impressed into the surface of the bullet.

22 However, bullets tend to hit objects that destroy their
23 surfaces or can destroy their surfaces.

24 **Q.** Can you tell us how you go about conducting your
25 comparison analysis.

1 **A.** The evidence is received in my office from the property
2 room. When the evidence envelopes are opened, the evidence is
3 marked. I usually mark it with our Q number, which is --
4 cartridge cases would be Q-1 through however many you had.
5 Bullets would be Q-1-B, Q-2-B, et cetera. My initials are on
6 there and also the property number that the items were received
7 under.

8 **Q.** And what happens next? How do you actually examine the
9 ammunition when you conduct that comparison?

10 **A.** After I mark 'em, they're cleaned off just to make 'em
11 safe. And then the cartridge cases and bullets are put onto a
12 comparison microscope, which is just a low-powered microscope,
13 but it lets you see two objects side by side.

14 So you can look at the cartridge cases against each other
15 and then the bullets against each other and make a
16 determination: Either they were fired, they weren't fired, or
17 I can't tell.

18 **Q.** So you said there are some cases where you can't tell.
19 And why might you not be able to tell whether ammunition was
20 fired from a particular firearm?

21 **A.** Damage to it, run over by cars, whatever the bullet
22 struck.

23 **Q.** And what are you -- when you make the conclusion that a
24 particular ammunition component was fired from a particular
25 known or unknown firearm, what are you basing that conclusion

1 on?

2 **A.** If it's the bullets, it's the land and grooves
3 impressions, the microscopic marks from manufacturer wear and
4 tear of the gun on the surface.

5 And on cartridge cases, it's generally the breech-face
6 marks and the firing-pin impressions on the head of the
7 cartridge case.

8 **Q.** I want to ask you a bit about the BPD, Baltimore Police
9 Department, firearms examination unit that you work for.

10 Is that laboratory certified?

11 **A.** Yes, ma'am.

12 **Q.** Who is it certified by?

13 **A.** ANAB.

14 **Q.** And what's ANAB?

15 **A.** It's a -- I'm not going to say it right. It's a
16 combination of -- used to be ASCLD. They've changed the names.
17 But it's the laboratory certification. They come out and
18 inspect us every several years and have many inspections every
19 year.

20 **Q.** Do you have a -- is there -- when you conduct a comparison
21 examination, is there a co-examiner?

22 **A.** Yes, ma'am.

23 **Q.** And is that in every case that you conduct a comparison?

24 **A.** It's on every case, yes, ma'am.

25 **Q.** And do you know your co-examiner's conclusions when you

1 form your conclusions?

2 **A.** No.

3 **Q.** And does your co-examiner know your conclusions when he or
4 she forms his or her conclusions?

5 **A.** No.

6 **Q.** What happens if you -- did you have a co-examiner in this
7 case?

8 **A.** Yes.

9 **Q.** And is your co-examiner's -- do you take -- do you make
10 reports when you conduct comparison examinations?

11 **A.** When we're done, yes, ma'am.

12 **Q.** Is your co-examiner's name also on your report?

13 **A.** Yes.

14 **Q.** And what happens, by the way, if -- if your co-examiner
15 reached a different conclusion, what would happen?

16 **A.** Then he would have to show me what he saw. And if I
17 didn't agree with it, we'd go to a third examiner.

18 **Q.** And did that happen in this case?

19 **A.** No, ma'am.

20 **Q.** I believe you testified -- you started to explain how you
21 identify evidence when it comes to you.

22 Did you say that your initials go onto each piece of
23 evidence?

24 **A.** Yes, ma'am.

25 **Q.** And can you explain that.

1 **A.** When it comes in, it's marked, like I said, with a Q
2 number, also with my initials and the property number that it
3 was received under.

4 **Q.** Can you tell the members of the jury what a CC number is.

5 **A.** It's just a central complaint number, call for service.

6 **Q.** And is the evidence that comes to you also marked by CC
7 number?

8 **A.** The package it comes in has the CC number on it. But when
9 it's taken to the property room, they assign it a property
10 number.

11 **Q.** Got you.

12 I'm going to approach and show you
13 Government's Exhibit F-3, which has already come into evidence
14 as six casings and one live round from the scene of the
15 February 8th, 2015 shooting at the BP gas station in the
16 5200 block of Windsor Mill Road.

17 (Handing.)

18 Do you recognize this exhibit?

19 **A.** This is -- the 3133, is that the correct --

20 **Q.** Yes. It should say on there.

21 **A.** Okay. Yes, ma'am. The envelope's marked when it was
22 sealed, and it had my name on the seal. And the
23 cartridge cases, there was also one live cartridge submitted
24 under that property number. And the cartridge cases are marked
25 by myself. I generally put like a black Magic Marker and then

1 scratch my initials and the property number and the item number
2 on it.

3 **Q.** And if you don't mind, I'm going to approach again and
4 take the evidence from you and put it up on the ELMO.

5 It will be a little hard to see. I don't know if that's
6 quite going to work.

7 **MS. HOFFMAN:** Your Honor, may I actually -- would it
8 be possible to publish the exhibit to the jury?

9 **THE COURT:** Are you expecting them to pour the bullets
10 out -- I mean the casings out and look at them? Or do you want
11 to just maybe just send one around?

12 **MS. HOFFMAN:** One works just fine (indicating).

13 **THE COURT:** Okay. You can send one around. Just hold
14 it really carefully.

15 **MS. WHALEN:** Your Honor, while that's happening, we
16 have a monitor that's not turning on.

17 **THE COURT:** It's not working at all?

18 **MS. WHALEN:** It's black and I pushed the button, but
19 nothing happened.

20 **THE COURT:** Let's see. Ms. Moyé to the rescue.

21 **MS. WHALEN:** Thanks.

22 (Above-identified exhibit was published to the jury.)

23 (Pause.)

24 **THE COURT:** You have retrieved the casing?

25 **MS. HOFFMAN:** I have retrieved the casing and returned

1 it to the envelope, which I've returned to Mr. Wagster.

2 **THE COURT:** Let's see how we're doing on the monitor.

3 Still working. Is there anything that's about to go on the
4 monitor?

5 **MS. HOFFMAN:** No.

6 **THE COURT:** Okay.

7 **MS. HOFFMAN:** Should I continue?

8 **THE COURT:** Go ahead.

9 **BY MS. HOFFMAN:**

10 **Q.** Turning your attention back to Government's Exhibit F-3,
11 which you identified as having the CC number ending in 3133,
12 first, I want to ask you about the six cartridge casings in
13 Government's Exhibit F-3.

14 First of all, did there come a time when you were asked to
15 examine this evidence?

16 **A.** Yes, ma'am.

17 **Q.** And what conclusions were you able to draw about those six
18 cartridge casings?

19 **A.** They were caliber .40 Smith & Wesson and that they were
20 fired with the same unknown firearm.

21 **Q.** And how were you able to make that determination?

22 **A.** By microscopic comparison of the breech face and
23 firing-pin marks on those six cartridge cases.

24 **Q.** Do you take photographs when you conduct examinations?

25 **A.** Yes, ma'am.

1 **Q.** And what's the purpose of those photographs?

2 **A.** As a refresher for myself later on and should another
3 examiner want to look at that five years down the line, I can
4 show 'em how I had the cartridge cases oriented.

5 **Q.** And did you review the photographs taken in this case
6 prior to coming in here today?

7 **A.** Yes, ma'am.

8 **Q.** And can you tell us, when you conducted the comparison of
9 those six cartridge casings, how many -- approximately how many
10 markings -- can you tell us -- can you describe what markings
11 you were looking at and how many you looked at.

12 **A.** On this -- the six cartridge cases, all had decent
13 firing-pin impressions. There were a lot of marks in the
14 firing pin. And the breech face also has marks, both from the
15 stamping of the firing and on the shear marks. And I was able
16 to identify the shear marks, the firing-pin impressions and the
17 breech face markings.

18 **Q.** Now, you mentioned that there's also a live round.

19 First of all, why might there be a live cartridge found at
20 the scene of a shooting?

21 **A.** Could be several reasons. Could have jammed when the gun
22 was cleared.

23 On a semi-automatic, if you're not sure that the first
24 round is chambered, when you rack the gun to see if it's
25 loaded, you may rack one out. And there's always a possibility

1 it just fell out of a pocket.

2 **Q.** In this case did you examine the live round that was
3 recovered from the scene as well?

4 **A.** Yes, ma'am.

5 **Q.** And what conclusions were you able to draw about that live
6 round?

7 **A.** It had a firing-pin impression on it, and I was able to
8 match the firing pin on the unfired cartridge to the firing-pin
9 impressions on the fired cartridges.

10 **Q.** And was that, again, through the -- using the comparison
11 microscope?

12 **A.** Yes, ma'am.

13 **Q.** So in conclusion, does that mean that you concluded that
14 all six cartridge casings and the one live round from the scene
15 of the February 8th, 2015 shooting were fired with the same
16 unknown firearm?

17 **A.** The six were fired. The one was struck with the
18 firing pin. It was not fired.

19 **Q.** I believe you referred to caliber earlier. What caliber
20 was this ammunition?

21 **A.** It was .40 Smith & Wesson.

22 **Q.** And what does the term "caliber" refer to in relation to a
23 gun or a bullet?

24 **A.** It's basically the size of the bullet, the size of the
25 cartridge.

1 **Q.** I'm going to approach now and show you
2 Government's Exhibit F-5, which has come into evidence as
3 cartridge casings and live rounds from the scene of the
4 February 12th, 2015 murder of James Edwards, also known as
5 Bangout.

6 I'm also going to show you Government's Exhibit F-5-C and
7 Government's Exhibit F-5-D, which have come into evidence as
8 bullets from the body of the victim.

9 (Handing.)

10 Do you recognize those exhibits?

11 **A.** Yes, ma'am.

12 **Q.** Did there come a time when you were asked to examine this
13 evidence?

14 **A.** Yes, ma'am.

15 **Q.** And I want to start with -- again, with the
16 cartridge casings that you examined from the scene of this
17 murder.

18 What conclusions were you able to draw about those
19 cartridge casings?

20 **A.** They were caliber .40 Smith & Wesson, and those four
21 cartridge cases were fired with the same firearm, same unknown
22 firearm.

23 **Q.** And how were you able to determine that the four
24 cartridge cases were fired with the same unknown firearm?

25 **A.** By identifying the breech face and firing-pin impressions.

1 **Q.** Now I want to ask you about the live cartridges, the live
2 rounds.

3 What conclusions were you able to draw with respect to the
4 live cartridges from the scene?

5 **A.** There were seven live cartridges. One of 'em had a
6 firing-pin impression on it. I was able to identify that to
7 the firing-pin impressions on those four cartridge cases.

8 **Q.** And what do you mean when you say you were able to
9 identify it?

10 **A.** That they were made with the same firing pin.

11 **Q.** What about the other -- you said there were seven
12 cartridge cases -- seven -- I'm sorry, seven cartridges and one
13 you were able to identify as having the same firing pin. What
14 about the other six cartridges?

15 **A.** I couldn't identify them as being chambered in the same
16 firearm.

17 **Q.** And why not?

18 **A.** Just didn't have any marks on 'em.

19 **Q.** Did you also examine the bullets from the body of the
20 victim?

21 **A.** Yes.

22 **Q.** And what conclusions were you able to draw with respect to
23 the bullets?

24 **A.** There again, they were too surface-damaged for me to
25 conclude they were fired with the same unknown firearm. They

1 did bear similar class characteristics.

2 **Q.** Can you explain what a class characteristic is.

3 **A.** That in this case is the land-and-groove impressions and
4 widths. In this case they were all five right, but I was, like
5 I say, couldn't make the identification.

6 **Q.** What does "five right" mean?

7 **A.** That the barrel they went down had five lands and grooves
8 with a right twist.

9 **Q.** And is there a particular manufacturer that is commonly
10 associated with five right?

11 **A.** It's most common to Smith & Wesson.

12 **Q.** So in conclusion, does that mean -- or in summary, does
13 that mean that you concluded that all four cartridge casings
14 and one of the live rounds from the scene of the Bangout murder
15 were fired with the same unknown firearm?

16 **A.** The four cartridge cases were fired with the same unknown
17 firearm. And the one live cartridge had the same firing-pin
18 impression on it, but it's an unfired cartridge.

19 **Q.** Right. And you were not able to rule in or rule out
20 whether the other live cartridges or bullets were fired with
21 the same unknown firearm; is that right?

22 **A.** Yes, ma'am.

23 **Q.** Did there come a time when you were asked to conduct a
24 comparison between Government's Exhibit F-3, the casings and
25 live round from the scene of the February 8th, 2015 shooting at

1 the BP gas station, and Government's Exhibits F-5, F-5-C, and
2 F-5-D, the casings, live rounds, and bullets from the
3 February 12th, 2015 murder of Bangout?

4 **A.** Yes.

5 **Q.** And starting again with the cartridge casings, what
6 conclusions were you able to draw with respect to the
7 cartridge casings from both scenes?

8 **A.** That they were fired with -- excuse me, the same unknown
9 firearm.

10 **Q.** And how were you able to make that conclusion?

11 **A.** By there again, identifying the breech face and firing-pin
12 impressions.

13 **Q.** And can you remind us again what sort of markings you're
14 looking at.

15 **A.** On the firing pin, you're looking at all the little marks,
16 ticks. There are some parallel marks. There's little just
17 highlights all through that firing pin.

18 And on the breech face marks, it's the breech face marks
19 were stamped when it was fired; but it also has some shearing
20 from movement, and they're the large parallel lines. They were
21 all in sufficient agreement for me to make my conclusions.

22 **Q.** And based on -- did you also take photographs to document
23 your analysis with respect to this comparison?

24 **A.** Yes, ma'am.

25 **Q.** And did you review those photographs before coming in

1 today?

2 **A.** Yes, ma'am.

3 **Q.** And can you tell us, if you can, is there an approximate
4 number of markings that you were able to tell just based on the
5 photographs were in sufficient agreement?

6 **A.** Just looking at the photographs this morning on the
7 shearing, there's, I guess, maybe 15 that look good. And on
8 the firing pin, there was about eight marks.

9 But when you look at it under a comparison scope, you see
10 a lot more than these photographs show.

11 **Q.** Turning now to the live cartridges from both scenes, what
12 conclusions were you able to draw about those live cartridges?

13 **A.** That they were made -- the firing-pin impressions on the
14 one live cartridge from each different CC number was made by
15 the same firing pin that were on the fired cartridge cases.

16 **Q.** And, again, were you able to rule in or rule out the other
17 six live rounds from the scene of the Bangout murder?

18 **A.** There was nothin' to identify them.

19 **Q.** What about the bullets? What conclusions were you able to
20 draw from the bullets from both scenes? Were there any bullets
21 recovered that you examined from February 8th, 2015?

22 **A.** There was just one bullet jacket fragment, and it was too
23 small to do anything with.

24 **Q.** So were you able to draw any conclusion with respect to
25 the bullets from both scenes?

1 **A.** No, ma'am.

2 **Q.** So, again, to summarize, does that mean that you concluded
3 that the six casings and one live round from the scene of the
4 February 8th, 2015 shooting at the BP gas station were fired
5 from the same unknown firearm as the four casings and one of
6 the live rounds from the scene of the February 12th, 2015
7 murder of James Edwards or Bangout?

8 **A.** Yes, ma'am.

9 **Q.** Now, one final question for you: Do your microscopic
10 comparisons tell you who actually pulled the trigger?

11 **A.** No, ma'am.

12 **MS. HOFFMAN:** Thank you, Mr. Wagster.

13 No further questions.

14 **THE COURT:** All right. Thank you.

15 Ms. Whalen.

16 **MS. WHALEN:** Thank you, Your Honor.

17 CROSS-EXAMINATION

18 **BY MS. WHALEN:**

19 **Q.** Just a few questions, Mr. Wagster.

20 You were talking about some shearing effect when you were
21 just giving us some conclusions, and that was metal scraping
22 against metal (indicating); is that correct?

23 **A.** Yes, ma'am.

24 **Q.** Sort of -- remember I asked you the question about that
25 science of metal scraping against metal?

1 **A.** Yes.

2 **Q.** Okay. And so that would be something that perhaps another
3 person who studies it would be able to look at that shearing
4 and make some conclusions about it; correct?

5 **A.** Probably.

6 **Q.** Now, you indicated early on in your testimony that if a
7 gun jammed and -- now, we're not talking necessarily about a
8 revolver. We're talking about a semi-automatic. The
9 semi-automatic actually ejects its cartridge casings; is that
10 correct?

11 **A.** Yes, ma'am.

12 **Q.** Or it's designed to do so; correct?

13 **A.** Correct.

14 **Q.** And do you know whether it is designed -- well, let me ask
15 it this way:

16 Are all semi-automatics designed, to your knowledge, to
17 eject a cartridge casing?

18 **A.** Yes, ma'am.

19 **Q.** And do you know whether they are all designed to eject to
20 one side of the other -- or the other of the gun?

21 **A.** No, they're not.

22 **Q.** Okay. So they could be to the right? They could be to
23 the left?

24 **A.** Or straight up.

25 **Q.** Or straight up. Okay.

1 But you would expect, based on their design, that the
2 cartridge casings would land somewhere in the perimeter of the
3 weapon itself?

4 **A.** Yes, ma'am.

5 **Q.** Not designed, for instance, to go 20 feet down the road;
6 right?

7 **A.** Not particularly, but . . .

8 **Q.** Now, you were asked whether you can tell who had a gun
9 when you're doing your examination; right?

10 **A.** Correct.

11 **Q.** That's pretty obvious. You were not at any of these crime
12 scenes; right?

13 **A.** Correct.

14 **Q.** You're just taking what a police officer picks up at the
15 scene and looking at that evidence; correct?

16 **A.** Yes, ma'am.

17 **Q.** All right. And along that same vein, you are not able to
18 tell who had a gun; correct?

19 **A.** Correct.

20 **Q.** Not able to tell, necessarily, what the gun looked like
21 because no gun was submitted to you; correct?

22 **A.** Correct.

23 **Q.** Now, were you asked in this case to compare any
24 other .40-caliber bullets or casings, cartridge casings, other
25 than the ones with the number ending in -- CC number ending in

1 133 and then I believe the other one ending in 442?

2 **A.** No, ma'am.

3 **Q.** Okay. So you were not asked to compare any .40-caliber
4 bullets that were picked up at the scene of the Terrell Gale
5 shooting back in, I believe it was, January 14th of 2013; is
6 that correct?

7 **A.** No, ma'am. I have no records that I looked at any other
8 CC -- CC numbers.

9 **Q.** Okay. And does that shooting of a Mr. Terrell Gale
10 have -- is that anything you know about?

11 **A.** No, ma'am.

12 **Q.** Now, you indicated that you're looking through a
13 microscope, is that correct, when you're trying to make an
14 examination of either bullets or cartridge casings?

15 **A.** Yes, ma'am.

16 **Q.** And the microscope has the two items placed side by side;
17 correct?

18 **A.** Correct.

19 **Q.** And you're looking through -- well, it's pretty
20 high-powered; right?

21 **A.** Not really. 10, 15 power, not, you know, like you're
22 looking at microbes. It's nothing like that.

23 **Q.** All right. But it does assist you a little bit more than
24 the naked eye; is that correct?

25 **A.** Yes, ma'am.

1 **Q.** And do you wear your glasses when you are looking through
2 the microscope?

3 **A.** No, ma'am.

4 **Q.** All right. So are you looking at these two objects and
5 attempting to see similarities? Is that correct?

6 **A.** Yes, ma'am.

7 **Q.** And you're also looking to see if there are
8 dissimilarities; correct?

9 **A.** Yep.

10 **Q.** And you then -- when you see something that you think is
11 important, you take a photograph of that; correct?

12 **A.** Take the general photographs of just not each and every
13 piece of evidence; just the general photograph of at least two
14 of the items.

15 **Q.** And so in this case you follow that procedure where you
16 took two photographs?

17 **A.** Photographs of two separate, you know, Q-1 and Q-6 or
18 whatever the case may be.

19 **Q.** All right. And did that in this case ultimately end up
20 being two photographs overall?

21 **A.** Yes, ma'am. The firing pin and the breech face.

22 **Q.** Firing pin and the breech face; is that correct?

23 **A.** Yes, ma'am.

24 **Q.** All right. Did you take photographs -- I guess the answer
25 is, no, you did not take photographs of any dissimilarities

1 that you may have seen; is that correct?

2 **A.** Correct.

3 **Q.** All right. And you mentioned that you looked to see if
4 there's sufficient agreement to make some conclusions; right?

5 **A.** Right.

6 **Q.** Now, that is a purely subjective aspect, is it not? In
7 other words, you're looking and you're trying to find
8 sufficient agreement; correct?

9 **A.** Yes, ma'am.

10 **Q.** Okay. And there is, for instance, no measuring device
11 that you can use to help you, for instance, determine the
12 length of a line you might see; correct?

13 **A.** If you had a microscope that was capable of doing
14 measurements, you may be able to.

15 **Q.** All right. And yours was not of that caliber or quality,
16 was it?

17 **A.** No, ma'am.

18 **Q.** All right. And so you're just looking, eyeballing, again,
19 whatever lines to see if they match up?

20 **A.** Yes, ma'am.

21 **Q.** And then the same would be true, there's no measurement in
22 your microscope, for instance, that allows for you to determine
23 depth, if you know what I'm saying; right?

24 **A.** No, ma'am.

25 **Q.** Okay. And striations?

1 **A.** No, ma'am.

2 **Q.** And, for instance, depth of the land or the groove?

3 **A.** You're looking at the patterns of that stuff. You don't
4 actually measure the depths, 'cause that can vary depending on
5 the hardness of the primers.

6 **Q.** All right. And so I guess the question really -- or
7 really comes down to you're making a subjective determination
8 of what you think looks like a pattern; right?

9 **A.** Yes, ma'am.

10 **Q.** Okay. Now, just like you really don't know who would fire
11 a weapon that would, you know, net or result in the officers
12 picking up the bullets or the cartridge casings for you to look
13 at, you are not, in your experience, looking at every firearm
14 or every bullet out there that actually is fired from a weapon;
15 correct?

16 **A.** Correct.

17 **Q.** All right. So you're not taking a look to determine, you
18 know -- for instance, let's take the -- I mentioned the
19 .40-calibers from the Terrell Gale shooting. Assume, if you
20 will, that there were .40-caliber bullets collected at the
21 Terrell Gale shooting. You can't, without looking at them and
22 without studying, say that they are, because they're
23 .40-caliber, a likely match to those found at the BP or the
24 Edwards shooting; correct?

25 **A.** Correct.

1 **MS. WHALEN:** Court's indulgence.

2 Thank you. That's all the questions I have for
3 Mr. Wagster.

4 **THE COURT:** Okay. Great.

5 Anybody else?

6 (No response.)

7 **THE COURT:** Any redirect?

8 **MS. HOFFMAN:** Just briefly.

9 REDIRECT EXAMINATION

10 **BY MS. HOFFMAN:**

11 **Q.** Mr. Wagster, you were asked about casings recovered from a
12 different shooting, Terrell Gale shooting. Are you familiar
13 with NIBIN?

14 **A.** Yes, ma'am.

15 **Q.** What's NIBIN?

16 **MS. WHALEN:** Objection.

17 **THE COURT:** Come up to the bench.

18 (Bench conference on the record:

19 **MS. WHALEN:** It's beyond the scope. I haven't
20 approached that, nor did they in --

21 **MS. HOFFMAN:** Well, Your Honor, Ms. Whalen has clearly
22 put a suggestion into the jury's mind that the casings from the
23 Terrell Gale shooting might match the casings here. In fact,
24 there was no match between those casings. And so I would like
25 to be able to correct that suggestion that NIBIN -- the casings

1 from each scene are uploaded generally into the NIBIN database,
2 and there was no NIBIN hit for those casings.

3 **MS. WHALEN:** It's totally separate.

4 **THE COURT:** I agree. I'm sustaining the objection.)

5 (Bench conference concluded.)

6 **THE COURT:** Anything else?

7 **BY MS. HOFFMAN:**

8 **Q.** Mr. Wagster, when you conduct your comparison examination
9 of ammunition components, are the ammunition components
10 destroyed or preserved?

11 **A.** They should be preserved.

12 **Q.** And can they be examined by another examiner?

13 **A.** Yes, ma'am.

14 **Q.** So could the defense have their examiner --

15 **MS. WHALEN:** Objection, Your Honor.

16 **THE COURT:** Sustained.

17 **MS. WHALEN:** Move to strike.

18 **THE COURT:** The jury will disregard.

19 **MS. HOFFMAN:** No further questions.

20 **THE COURT:** Anything else?

21 (No response.)

22 **THE COURT:** All right. Thank you very much, sir.

23 You are excused.

24 (Witness excused.)

25 **THE COURT:** And I guess there will be another witness,

1 but perhaps we should take a short recess.

2 So while Mr. Wagster and everybody is gathering up all
3 the exhibits, we'll excuse the jury for a short break.

4 (Jury left the courtroom at 12:09 p.m.)

5 **THE COURT:** Any issues for whoever is the next
6 witness?

7 **MS. PERRY:** I believe that the video that we were
8 discussing is related to -- is something we'll seek to play
9 with the next witness. I don't know that we will get that far
10 before the lunch break with that particular witness.

11 But if I could just have a moment to pull up the video
12 and see where I can stop it.

13 **THE COURT:** Why don't you go discuss that with
14 Ms. Amato, see if you can work anything out. And if not, we'll
15 look at it before it gets played or something like that.

16 All right. We'll excuse the gallery.

17 All right. We'll take a short recess.

18 (Recess taken.)

19 **THE COURT:** All right. Looks like the monitors are
20 working again.

21 **MR. ENZINNA:** Yes, the monitor is working, Your Honor.

22 **THE COURT:** Okay.

23 **MR. ENZINNA:** And, Your Honor, before we bring the
24 jury in, I'd like to make a motion for a mistrial based on
25 prosecutorial misconduct -- I apologize.

1 I'd like to make a motion for a mistrial based on
2 prosecutorial misconduct based on Ms. Hoffman's questioning of
3 Mr. Wagster and the burden-shifting.

4 **THE COURT:** Okay. I'll deny the motion for mistrial.
5 I think I quickly struck that question. I don't expect to hear
6 anything like that again.

7 If you would like me to remind the jury, as I have
8 done on many occasions and will do on the final instructions,
9 that the defendants have absolutely no burden to present any
10 evidence or call any witnesses, I'd be happy to do that again
11 now, if you'd like.

12 **MR. ENZINNA:** No, Your Honor. I think that's --

13 **THE COURT:** No? Okay.

14 **MR. SARDELLI:** Your Honor, just a housekeeping matter.
15 I don't think it's -- obviously, we'd join that motion.

16 Is it necessary -- there's a blanket coverage that we
17 don't need to get up and say, for just saving-time purposes,
18 I'd join the motion, or anything else?

19 **THE COURT:** I assume that everybody joins in that sort
20 of motion that is generally applicable to all defendants.

21 **MR. SARDELLI:** Yes, ma'am. Thank you.

22 **MR. TRAINOR:** Thank you.

23 **MR. ENZINNA:** Your Honor, I apologize. I may have
24 been unclear. We would like you to instruct the jury.

25 **THE COURT:** Oh, okay. I misunderstood.

1 **MR. ENZINNA:** I apologize.

2 **THE COURT:** I'll be happy to do that before we bring
3 the witness in.

4 **MS. AMATO:** Your Honor, and as to the issue of that
5 video, I had asked the Government to stipulate, but they are
6 not inclined to stipulate.

7 So I would still ask them, though, to at least cut the
8 video to the part where we don't hear other people that are
9 speaking that are not charged as part of the conspiracy.

10 **THE COURT:** Can we do that?

11 **MS. PERRY:** Your Honor, so the video starts with --
12 what the testimony we believe will be is Mr. Bailey speaking as
13 Mr. . . .

14 (Jury entered the courtroom at 12:28 p.m.)

15 **THE COURT:** All right. We'll take this up maybe after
16 lunch.

17 All right. Ladies and gentlemen, before we call in
18 the next witness, let me just remind you, of course -- I think
19 I've said this a few times, and I'll probably say it again --
20 but in a criminal case, the defendants have absolutely no
21 obligation to call any witnesses or present any evidence. They
22 are presumed innocent. That presumption continues unless and
23 until you find that the Government has met its proof -- its
24 burden of proof of showing every element beyond a reasonable
25 doubt.

1 And, again, the defendants have no obligation to
2 present any evidence or call any witnesses, and you may not
3 consider that against them in any way if that ultimately is
4 their choice.

5 Now, the Government has another witness?

6 **MS. PERRY:** At this time the Government calls
7 Derran Hankins.

8 THE CLERK: Please raise your right hand.

9 DERRAN HANKINS, GOVERNMENT'S WITNESS, SWORN.

0 **THE CLERK:** Please speak directly into the microphone.
1 State and spell your full name for the record, please.

12 **THE WITNESS:** Derran Hankins. D-E-R-R-A-N; last name
13 Hankins H-A-N-K-I-N-S

THE CLERK: Thank you.

45 DIRECT EXAMINATION

16 BY MS. PERRY:

17 9. Good afternoon.

18 A. Good afternoon.

19 Q. How old are you?

20 | A. 36.

21 Q. And where did you grow up?

22 A. West Baltimore.

23 Q. What do -- do you go by any nicknames?

24 A. Do I go by a nickname?

25 Q. Yes.

1 **A.** Derran -- D.

2 **Q.** Mr. Hankins, are you currently under the supervision of
3 the U.S. Department of Probation?

4 **A.** Yes.

5 **Q.** Is that because you've been convicted of a crime?

6 **A.** Yes.

7 **Q.** What crime were you convicted of?

8 **A.** Bank fraud and identity theft.

9 **Q.** And when you were charged with bank fraud and identity
10 theft, were you already on federal supervision?

11 **A.** Yes.

12 **Q.** What for?

13 **A.** For aiding and abetting bank fraud.

14 **Q.** Did you plead guilty to the bank fraud and identity theft
15 charges?

16 **A.** Yes.

17 **Q.** And did you also plead guilty to violating your federal
18 supervision?

19 **A.** Yes.

20 **Q.** Approximately when did you plead guilty?

21 **A.** The first time or which time are you talking about?

22 **Q.** When did you first plead guilty to the bank fraud, aiding
23 and abetting?

24 **A.** In 2016.

25 **Q.** As part of your guilty plea, did you agree to cooperate

1 with the Government?

2 **A.** Yes.

3 **Q.** What is your understanding of your cooperation agreement?

4 **A.** As long as I tell the truth, I'll get a lenient -- more
5 lenient sentence, possibly.

6 **Q.** And as part of your agreement, did you agree to testify?

7 **A.** Yes.

8 **Q.** And what are you required to do?

9 **A.** Tell the truth.

10 **Q.** Have you been sentenced yet?

11 **A.** No.

12 **Q.** Have you been made any promises as to what your sentence
13 will be?

14 **A.** No.

15 **Q.** Do you expect to receive a benefit from your cooperation?

16 **A.** Hopefully, yes.

17 **Q.** What benefit do you expect to receive?

18 **A.** A more lenient sentence.

19 **Q.** And who will make that determination?

20 **A.** My judge.

21 **Q.** Do you know what happens if you lie?

22 **A.** Yes; my plea will be off the table.

23 **Q.** Now, in addition to the bank fraud conviction you just
24 told us about, as well as the bank fraud aiding and abetting
25 conviction, do you have any other criminal convictions?

1 **A.** Yes. I was convicted for weed, possession and
2 distribution of weed, and third-degree auto theft. And that's
3 it.

4 **Q.** Do you have a conviction from 2015?

5 **A.** Yes. Oh, aid -- and fleeing and eluding.

6 **Q.** Have you been arrested again since you pled guilty in this
7 particular case?

8 **A.** No.

9 **Q.** Now, you told us about your criminal history. Can you
10 tell us a little bit your education and work history.

11 **A.** I went to college. I didn't complete college. I worked
12 in the automotive industry in sales and in the finance
13 industry.

14 **Q.** One more background question for you: Are you currently
15 on any medication?

16 **A.** Yes. Abilify.

17 **Q.** Is that because you have a diagnosis of something?

18 **A.** Bipolar.

19 **Q.** And does your bipolar disorder affect your ability to
20 perceive things?

21 **A.** No.

22 **Q.** Does it affect your ability to remember?

23 **A.** No.

24 **Q.** Now, Mr. Hankins, you told us you grew up around
25 West Baltimore. From around 2010 until early 2016, what part

1 of Baltimore were you spending time in?

2 **A.** Windsor Mill and Forest Park.

3 **Q.** Now, was there another area that you were spending some
4 time in?

5 **A.** Liberty Heights and Gwynn Oak.

6 **Q.** I'm going to show you, first, MAP-34.

7 Do you recognize this?

8 **A.** Yes.

9 **Q.** What are we looking at here?

10 **A.** A map of Windsor Mill and Forest Park.

11 **Q.** And where during that time frame were you spending time?

12 **A.** Around here (indicating).

13 **Q.** And you're indicating around the BP?

14 **A.** Yes. And around in here (indicating).

15 **Q.** And that's the area of the Blue Fountain apartments?

16 **A.** Yes.

17 **Q.** I'm going to show you MAP-28.

18 What are we looking at here?

19 **A.** Liberty Heights and Gwynn Oak.

20 **Q.** And what area around here were you spending time in?

21 **A.** Just all over in this area right here (indicating).

22 **Q.** And you're indicating sort of south of Gwynn Oak Avenue?

23 **A.** Yes.

24 **Q.** I want to start by talking about Windsor Mill.

25 Can you describe what that area was like during the time

1 that you were frequenting it.

2 **A.** It was pretty open. A lot of drug traffic. A lot of
3 young guys just hangin' out.

4 **Q.** Is there a particular group that frequented that area?

5 **A.** The 5200 neighborhood guys and the mobsters or Bloods.

6 **Q.** Now, you said the mobsters and the Bloods. Were the
7 mobsters a part of the Bloods?

8 **A.** Yes.

9 **Q.** How did you know that?

10 **A.** That's what I was told.

11 **Q.** And did you become friends with any of the mobsters?

12 **A.** Yes.

13 **Q.** How did you become friends with the mobsters?

14 **A.** Through association with -- with a friend of mine. He
15 introduced me to 'em, and I started hangin' around with 'em on
16 a regular basis.

17 **Q.** How often were you in that area?

18 **A.** Almost daily. I mean, in a week I might go up there
19 anywhere between four and -- four and six times, sometimes
20 every day.

21 **Q.** How were you able to identify when someone was a member of
22 the mobsters?

23 **A.** Generally, through handshakes, tattoos, and symbols, or if
24 somebody just told me that they was a mobster.

25 **Q.** Now, you said tattoos. Were there any specific tattoos

1 that led you to believe someone was a mobster?

2 **A.** M's or mob, stuff like that.

3 **Q.** You also mentioned a handshake. Was there a particular
4 handshake that you were able to identify?

5 **A.** If I saw it. I couldn't duplicate it, though.

6 **Q.** But there was something specific --

7 **A.** Yes.

8 **Q.** -- that you would see people do that led you to believe
9 they were members of the mobsters?

10 **A.** Yes.

11 **Q.** Did you ever see anyone throwing any gang signs?

12 **A.** In pictures and things like that, but it was -- it was
13 rare. It's not like, you know, on the West Coast where they
14 just runnin' around in the areas and just throwin' up gang
15 signs. I mean, it's more so like a little for show, like.

16 **Q.** And when you saw gang signs in photographs, what were the
17 signs you were able to recognize?

18 **A.** Like, people making up M's with their fingers and hands.

19 **Q.** Now, you mentioned that there were -- there was another
20 group beside the mobsters hanging out there, and you said they
21 were people who were from the neighborhood. Did they go by a
22 specific name?

23 **A.** Just like 5200.

24 **Q.** And what does 5200 mean? Where does that number come
25 from?

1 **A.** Just the area.

2 **Q.** What do you mean by "the area"?

3 **A.** I believe it's the 5200 block of one of the streets.

4 **Q.** Were individuals who were at that area in the 5200 block
5 or in the Windsor Mill-Forest Park area, were those individuals
6 exclusively members of the mobsters?

7 **A.** No.

8 **Q.** Could anyone hang out in that area?

9 **A.** Anyone kind of could hang out, but you couldn't, like, be
10 doing, like, selling drugs or nothin' up there if you wasn't
11 from around there or somebody brought you around there.

12 **Q.** What would happen if you were selling drugs in that area
13 and were not from around there or not a mobster?

14 **A.** I mean, you probably be asked to leave or told to leave.

15 **Q.** What happened if you didn't leave?

16 **MR. ENZINNA:** Objection, Your Honor.

17 **THE COURT:** Sustained.

18 **BY MS. PERRY:**

19 **Q.** You mentioned, Mr. Hankins, that there were individuals
20 selling drugs in the area. Did you ever personally see drugs
21 being sold in that area?

22 **A.** Yes.

23 **Q.** What kinds of drugs did you see being sold?

24 **A.** Cocaine, heroin, marijuana, Percocets.

25 **Q.** And who was selling drugs at that location?

1 **A.** Like everybody that was up there, basically.

2 **Q.** How often did you see drugs being sold in that area?

3 **A.** Daily.

4 **Q.** And based on your time out there and what you personally
5 observed, how many -- how much drugs were being sold, how much
6 money was being made in that area?

7 **A.** Probably like ten or fifteen thousand a day, give or take.

8 **MR. ENZINNA:** Objection, Your Honor.

9 **THE COURT:** Basis of knowledge?

10 **MR. ENZINNA:** Basis of knowledge.

11 **THE COURT:** Sustained.

12 **BY MS. PERRY:**

13 **Q.** Mr. Hankins, do you know how much drugs were being sold
14 for in that area?

15 **A.** It varied. You know, you had some people that was gettin'
16 small stuff and some people that was gettin' a little bit more
17 than small stuff.

18 **Q.** And how often would you see -- I believe you told us that
19 you saw drugs being sold frequently. What kind of quantities
20 were you being sold -- were you observing being sold?

21 **A.** Dimes, nickels, fifties, hundreds, eight balls.

22 **Q.** And how many people would you see out there selling at any
23 given time?

24 **A.** It was -- I mean, it was a lot. The younger guys -- it
25 was a lot of younger guys out there just sellin' stuff.

1 **Q.** And who? Members of which groups were selling in that
2 particular area?

3 **A.** Explain. What do you mean?

4 **Q.** Did you see mobsters selling drugs in that particular
5 area?

6 **A.** Yes.

7 **Q.** Did you also see people you identified as 5200 boys
8 selling in that particular area?

9 **A.** Yes.

10 **Q.** Did the mobsters sell drugs out of any other territory
11 that you knew of?

12 **A.** Well, I mean, they would hit off cell phones. So it could
13 be anywhere, like, you know, so they could be discrete and --
14 in that area between Liberty Heights and Liberty Road and the
15 Windsor Mill-Forest Park area.

16 **Q.** Mr. Hankins, did there come a time when you were able to
17 identify who the leader of the mobsters was?

18 **A.** Yes.

19 **Q.** Who was that?

20 **A.** Gutta.

21 **Q.** Did you know Gutta by any other names?

22 **A.** Dante Bailey.

23 **Q.** I'll show IND-3.

24 Can you tell us who we're looking at here.

25 **A.** That's Gutta.

1 **Q.** And do you see Gutta in the courtroom today?

2 **A.** Yes.

3 **Q.** Could you please point to him and indicate an article of
4 clothing he's wearing.

5 **A.** (Indicating.)

6 Like a taupe-colored shirt.

7 **Q.** How did you meet Mr. Bailey?

8 **A.** Through S-Dot.

9 **Q.** And who is S-Dot?

10 **A.** He was, like, a good friend of mine at the time.

11 **Q.** When did you first meet Mr. Bailey?

12 **A.** Between 2011 and 2013, somewhere in there.

13 **Q.** And approximately how many times did you speak to or hang
14 out with Mr. Bailey during the time you were frequenting the
15 Windsor Mill area?

16 **A.** A lot.

17 **Q.** I'm going to show you Government's Exhibit IC-87, which is
18 an excerpt from an iCloud account belonging to Dante Bailey.

19 Can you tell us what we're looking at here.

20 **A.** A picture of me and Gutta.

21 **Q.** Now, you said you identified Mr. Bailey as -- or Gutta as
22 the leader of the gang. How did you come to believe he was the
23 leader?

24 **A.** He told me.

25 **Q.** How did you communicate with Mr. Bailey?

1 **A.** By way of phone or in person.

2 **Q.** And did you have a phone number for Mr. Bailey?

3 **A.** Several.

4 **Q.** Did you also contact Mr. Bailey through any other
5 individuals?

6 **A.** His -- his wife, Tiffany Bailey.

7 **Q.** And why would you contact Tiffany Bailey?

8 **A.** 'Cause, you know, he run around, take -- he might get rid
9 of his phone. He might say if his phone off, contact her to
10 get to me.

11 **Q.** Now, Mr. Hankins, when you were arrested, did the
12 Government search your phones?

13 **A.** Yes.

14 **Q.** And do you recall if you had one or more than one phone at
15 the time?

16 **A.** I believe it was three.

17 **Q.** I'm going to show you Government's Exhibit CELL-18.

18 And turn to Page 4 -- Page 5 of this exhibit.

19 Can you tell us if you recognize what we're looking at
20 here.

21 **A.** A list of my contacts.

22 **Q.** Now, I'm going to turn to Page 7.

23 Do you see down here on the screen, what is the name here?

24 **A.** "T gutter."

25 **Q.** And is there a phone number?

1 **A.** Yes.

2 **Q.** And is this how Gutta was saved in your phone?

3 **A.** One of the ways, yes.

4 **Q.** Did you have other numbers for him?

5 **A.** Yes.

6 **Q.** Turning to Page 9, can you tell me what we're looking at
7 here.

8 **A.** Gutta's phone number again.

9 **Q.** Is that another contact from your phone --

10 **A.** Yes.

11 **Q.** -- for Mr. Bailey?

12 **A.** Yes.

13 **Q.** And, finally, Page 10, what are we looking at here?

14 **A.** Another number -- another one of Gutta's phone number.

15 **Q.** Another -- is "t gut" another way you saved Mr. Bailey's
16 number in your phone?

17 **A.** Yes.

18 **Q.** Now, I want to turn to Government's Exhibit CELL-19.

19 And turning to Page 3, do you see a phone number here?

20 **A.** Yes.

21 **Q.** Whose phone number is that?

22 **A.** Mine.

23 **Q.** Turning now to Page 22, you'll notice the name on this.

24 Is this one of the contacts from your phone?

25 **A.** Yes.

1 **Q.** And what's the name?

2 **A.** Gutta.

3 **Q.** And what's the phone number?

4 **A.** (443) 415-9975.

5 **Q.** Is this another number you used to contact Mr. Bailey?

6 **A.** To my knowledge, yes.

7 **Q.** And, finally, turning to Page 38, do you see these two
8 contacts here?

9 **A.** Yes.

10 **Q.** What are these contacts for?

11 **A.** Tiffany, Gutta's wife.

12 **Q.** And were these numbers you used to contact Mr. Bailey?

13 **A.** Yes.

14 **Q.** Now, Mr. Hankins, you said that you contacted Mr. Bailey
15 by phone on occasion.

16 Did you always contact him on making -- by making a voice
17 call?

18 **A.** For the most part, unless he wanted to talk on FaceTime.

19 **Q.** And why might he ask you to talk on FaceTime?

20 **MR. ENZINNA:** Objection.

21 **THE COURT:** Sustained.

22 **BY MS. PERRY:**

23 **Q.** Were there times where Mr. Bailey asked you to talk on
24 FaceTime?

25 **A.** Yes.

1 **Q.** And did you actually talk to him on FaceTime on those
2 occasions?

3 **A.** Yes.

4 **Q.** And when you spoke to him on FaceTime, what did you speak
5 about?

6 **A.** Probably money.

7 **Q.** Now, I want to turn at this point to talking about money.
8 Did you assist Mr. Bailey or did you have any involvement with
9 Mr. Bailey and money?

10 **A.** Yes.

11 **Q.** Can you explain your involvement with Mr. Bailey and his
12 finances.

13 **A.** Either automotive or I would take money and flip it for
14 him.

15 **Q.** Now, I want to take that apart a little bit, but you said
16 you would take money and flip it for him.

17 **A.** Yes.

18 **Q.** Can you explain what you mean.

19 **A.** He would give me an allotted amount of money, and I would
20 give him back that money plus half.

21 **Q.** And so you had an arrangement with -- if I understand it,
22 you had an arrangement with Mr. Bailey where he would provide
23 you with money and you were supposed to provide him with that
24 money, plus?

25 **A.** Yes.

1 **Q.** And what -- how would he provide you the money?

2 **A.** Cash.

3 **Q.** Did you know -- you said you hung around with Mr. Bailey
4 on numerous occasions.

5 **A.** Yes.

6 **Q.** Did Mr. Bailey have a job, to your knowledge?

7 **A.** No.

8 **Q.** Did Mr. Bailey have a source of income, to your knowledge?

9 **A.** Music and drugs.

10 **Q.** Now, what would you do with the money when Mr. Bailey
11 would provide it to you? How would you go about flipping it?

12 **A.** Either purchase cars and sell 'em or insurance, do an
13 insurance scram [sic] or the casino.

14 **Q.** I'm going to start, first of all, with the casino.

15 Tell us how that worked.

16 **A.** Well, I play blackjack. So I would go in, take an
17 allotted amount of money, and I would double it or triple it
18 and then distribute his part and the rest I would keep.

19 **Q.** Now, Mr. Hankins, did you go to the casino often already?

20 **A.** Yes.

21 **Q.** Why?

22 **A.** To gamble.

23 **Q.** Did you like to gamble?

24 **A.** Yes.

25 **Q.** And were you looking for ways to gamble?

1 **A.** Yes.

2 **Q.** So when Mr. Bailey would provide you, I believe you said
3 it was cash and you would go to the casino with it, how much
4 would you be expected to provide back to him?

5 **A.** If he gave me 10,000, I had to give him back 15. So it's
6 always 50-cent extra on the dollar.

7 **Q.** And how many times did Mr. Bailey provide you money that
8 you took to the casino?

9 **A.** Less than five.

10 **Q.** And do you recall how much money he provided to you on
11 those occasions?

12 **A.** The most was 12,000.

13 **Q.** And what about the other times?

14 **A.** Like two -- like two or three thousand.

15 **Q.** And did you actually provide him with the money or the
16 winnings?

17 **A.** Yes.

18 **Q.** Was Mr. Bailey the only mobster who you would gamble at
19 the casino for?

20 **A.** He brought -- he brought in Dirt one time.

21 **Q.** Explain how that happened.

22 **A.** We met at a -- at the studio, and he told Dirt that I had
23 a guaranteed way to make him back some money.

24 And he said, All right.

25 And they gave me, collectively, \$12,000. And I was due to

1 give them back eighteen.

2 Q. And did you do that?

3 A. Yes.

4 Q. I'm going to show you Government's Exhibit IND-7.

5 Can you tell me who we're looking at here.

6 A. Dirt.

7 Q. And do you see Dirt in the courtroom today?

8 A. Yes.

9 Q. Could you please point to him and indicate an article of
10 clothing he's wearing.

11 A. A white button-down.

12 Q. Now, I'm going to come back to Dirt in a few moments.

13 But you told us there were some other ways that you would
14 flip the money. I believe you said insurance?

15 A. Yes. So I had different -- a lot of different connections
16 in spots. So I would get, like, what's called FR-19s. I would
17 purchase them from an unknown source, and then I would sell 'em
18 to other people. And in that process, they would be able to
19 clear up insurance violations through the State of Maryland.

20 Q. What is the document, the thing you just described, an
21 FR-19?

22 A. It's proof of insurance.

23 Q. And so tell us again. You would provide proof of
24 insurance to individuals?

25 A. Yes.

1 **Q.** And this was not a legitimate business, was it,
2 Mr. Hankins?

3 **A.** No. I would purchase 'em from one source for a really low
4 amount of money as long as I'm buying 'em in bulk, and then I
5 would sell 'em back for an extraordinary amount of money.

6 **Q.** And how did that make you and Mr. Bailey money?

7 **A.** Because I would allow him to pay for the forms, and I
8 would already have preordered enough to pay for -- like,
9 somebody might want to spend 2500. They might have insurance
10 violation for \$5,000. I might charge 'em half, which is 2500.
11 And I might buy 30 forms, 30 FR-19s. The 30 FR-19s might cost
12 me a thousand dollars.

13 So Dante would have paid for -- Gutta would have paid for
14 all of the forms plus gave me profit, and then I would wait and
15 recoup the rest of the money later.

16 **Q.** And when you did this for Mr. Bailey or with Mr. Bailey's
17 money, how much money would you give him back?

18 **A.** It's always -- he -- he never knew exactly what the money
19 was being used for. He just knew that he was giving me a
20 certain amount, and I had to give him back that plus half of
21 whatever he gave me.

22 **Q.** You also mentioned, I believe you said, automobiles. How
23 would that work?

24 **A.** He would purchase -- I would use his money to purchase the
25 vehicle and then sell it to somebody else.

1 **Q.** And so you said you were purchasing vehicles. How were
2 you purchasing vehicles?

3 **A.** Cash from the auction or off the street.

4 **Q.** And was that -- the purchase of those vehicles legitimate?

5 **A.** Most of the time.

6 **Q.** What do you mean?

7 **A.** There was a time when I was buying vehicles that were
8 stolen. But I didn't -- I didn't know, but I didn't really
9 care, because I had all the paperwork. So they seemed like
10 they was legitimate enough to me.

11 **Q.** And were you, in fact, making fraudulent paperwork for
12 some of these vehicles?

13 **A.** I was clearing liens. I would clear the lien on the
14 vehicle. So if the vehicle had a lien on it, say Lexus
15 Financial, I would take it off so Lexus Financial wouldn't know
16 that the lien is cleared; but in the eyes of Motor Vehicle,
17 there was no longer a financial obligation.

18 **Q.** Now, in total, about how much money would you say that
19 Mr. Bailey provided you to gamble or purchase cars or do this
20 insurance?

21 **A.** Less than 25,000.

22 **Q.** And, Mr. Hankins, what was the benefit to you?

23 **A.** I made money.

24 **Q.** And did Mr. Bailey tell you why he was asking you to do
25 it?

1 **A.** Just a faster -- a faster, guaranteed, legitimate way to
2 make -- to make -- for him to make money.

3 **Q.** And when you say "legitimate," what do you mean?

4 **A.** He would have money that he don't have to worry about
5 nobody being able to take because if -- if ever it was a time,
6 I could provide receipts and everything through my businesses.

7 **Q.** So did you understand it to be a way that Mr. Bailey was
8 trying to make his money seem legitimate?

9 **A.** Yes, in a way.

10 **Q.** Mr. Hankins, did you ever purchase a car and lease it to
11 Mr. Bailey?

12 **A.** Yes.

13 **Q.** Can you tell us about that.

14 **A.** It was a 2007 Lexus LS 460 L.

15 **Q.** What color was that vehicle?

16 **A.** Navy blue.

17 **Q.** And can you tell us anything about the windows of that
18 car.

19 **A.** They were tinted.

20 **Q.** And you said it was a -- I think you said it was an
21 LS 460 L. What does that last L mean?

22 **A.** Luxury edition.

23 **Q.** What does that mean?

24 **A.** It has rear reclining seats and, you know, other -- other
25 amenities that the other cars wouldn't have.

1 **Q.** And why would you lease this car to him?

2 **A.** Initially, it was to make money, make a profit, and
3 because he was a person that I was -- I was frequenting on a --
4 on a -- on a, you know, a regular basis.

5 **Q.** And what was the benefit to Mr. Bailey, if he told you?

6 **A.** He would have a nice car that he didn't have to spend
7 40,000 for up front.

8 **Q.** Now, in addition to assisting Mr. Bailey with his
9 financial transactions, did you ever observe Mr. Bailey engaged
10 in activities with the mobsters?

11 **A.** I -- I observed him giving orders and -- and being, you
12 know, the normal, you know, leader he is.

13 **Q.** Did you ever see him handling drugs?

14 **A.** Yes.

15 **Q.** Can you explain.

16 **A.** It was an opportunity -- he told me that he was -- that
17 they took a loss; and based on my connections, he needed me to
18 find him some -- some -- some drugs.

19 **Q.** And I want to get into that in just a second, but did you
20 ever see him actually sell drugs?

21 **A.** Yes.

22 **Q.** Can you describe when that happened.

23 **A.** I was at the gas station one day, and he -- he didn't have
24 to be out front. But for some odd reason, he didn't mind being
25 in the front, on the front line actually doing all his personal

1 hand-to-hand. And somebody came up to the gas station and they
2 wanted something, and he got it for 'em.

3 **Q.** Do you recall what kind of drug it was?

4 **A.** No.

5 **Q.** Mr. Hankins, did you ever see Mr. Bailey purchase drugs?

6 **A.** Yes.

7 **Q.** Can you tell us about that time.

8 **A.** He called me one day and told me to take him to meet
9 somebody. I took him just below North Avenue to a barbershop
10 and we waited.

11 **Q.** What happened when you got to the barbershop?

12 **A.** We had to wait for a while until somebody pulled up. They
13 was having a conversation. He got in and out of the car a few
14 times. And then he finally came back and told me that, you
15 know, that he was good. He had two or three hundred grams
16 comin'; if I needed something, let him know, 'cause he trying
17 to run it through.

18 **Q.** Let me unpack that a little bit.

19 You said you drove him up to a location where there was a
20 barbershop near North Avenue?

21 **A.** Yes.

22 **Q.** And when you got there, you and Mr. Bailey waited in your
23 car for a little while?

24 **A.** Yes.

25 **Q.** And then I believe you said someone else pulled up.

1 **A.** Yes.

2 **Q.** And when someone else pulled up, what did Mr. Bailey do?

3 **A.** He got out and he talked to him.

4 **Q.** The person in the other vehicle?

5 **A.** Yes.

6 **Q.** And then at some point did he get back into your vehicle?

7 **A.** Yes.

8 **Q.** And what, if anything, did he tell you when he got back
9 in?

10 **A.** That we good. We straight, you know, things going to be
11 all right. He got two or three hundred grams comin' and he can
12 make moves now, and if I had somebody that needed something, to
13 let him know.

14 **Q.** And did -- when he said two to three hundred grams, did
15 you know what he was talking about?

16 **A.** I believe heroin.

17 **MR. ENZINNA:** Objection, Your Honor.

18 **THE COURT:** Overruled.

19 **BY MS. PERRY:**

20 **Q.** Now, you mentioned, I believe, a time that you actually --
21 or you were alluding to a time that you actually provided
22 Mr. Bailey with drugs yourself?

23 **A.** Yes.

24 **Q.** Can you tell us about that.

25 **A.** Well, he came to me; he said that they had took a loss,

1 and he needed to -- to get something because it was dry.

2 **Q.** Let me stop you there for a second.

3 You said "took a loss." What does that mean?

4 **A.** Basically, they -- the police had -- had confiscated some
5 drugs.

6 **Q.** Okay. So after he told you they took a loss, what else
7 did he tell you?

8 **A.** That he needed to get something else. It's a gold mine up
9 there, and he needed to find something to get this money.

10 **Q.** What did you do after he told you that?

11 **A.** I made some phone calls, and I got him some testers. And
12 one of the testers was something like what he wanted.

13 **Q.** What's a tester?

14 **A.** A small quantity of a drug so that you can test it out.

15 **Q.** And how did you have a contact who could get you a tester?

16 **A.** Well, being as though I've been in the automotive industry
17 so long, it's -- I know everybody, you know. And a lot of the
18 guys buy cars from me. So -- and I know roughly, you know,
19 what they into.

20 So if it's somebody that sold -- sold coke, I can call
21 somebody that sold coke. If it's somebody that sold heroin, I
22 can call somebody that sold heroin. And if I needed something,
23 I can get it.

24 **Q.** So you said that you got some testers for Mr. Bailey.

25 Testers of what?

1 **A.** Heroin.

2 **Q.** And did you provide him with those testers?

3 **A.** Yes.

4 **Q.** And what did he tell you after you gave him the testers?

5 **A.** He rated 'em on a scale of 1 to 10, and he told me which
6 ones he didn't like and which ones he did.

7 **Q.** What happened next?

8 **A.** One of 'em was something that was real good that he liked,
9 and he told me to get him some. I got 50 grams of it from --
10 from a person. And I gave him a portion of it, spoon-fed him
11 it, like, so he can get rid of that and waited for the money.

12 And that was it.

13 **Q.** So you gave him a portion of the 50 grams?

14 **A.** Yes.

15 **Q.** And when you gave him that portion, did he provide you
16 with any money?

17 **A.** He gave me half of it.

18 **Q.** Half of the money?

19 **A.** Yes.

20 **Q.** Do you recall how much money he was supposed to give you?

21 **A.** Dollar amount-wise, no, but he was supposed to give me the
22 money for the whole 50, but he didn't. So I wound up -- at
23 the time when he gave me part of the money for the first 20 or
24 25 that I gave him, I gave him the rest of the -- the heroin.

25 **Q.** So you gave him half; he gave you money for half; and then

1 you gave him the full amount?

2 **A.** Yes.

3 **Q.** And were you ever provided the other half of the money?

4 **A.** No.

5 **Q.** Now, Mr. Hankins --

6 **THE COURT:** Let me know when you're at a good breaking
7 point.

8 **MS. PERRY:** I think now would be fine, Your Honor.

9 **THE COURT:** Okay. All right.

10 Ladies and gentlemen, we're going to take the lunch
11 recess until 2 o'clock.

12 So I'm going to start by excusing the jury.

13 (Jury left the courtroom at 12:59 p.m.)

14 **THE COURT:** All right. And then we'll excuse the
15 witness.

16 Hold on just a second. Are you going to go -- just
17 because the jury is in there, too, so . . .

18 Okay. We're going through. All right.

19 So where are we on this video? Do you want to show me
20 the video?

21 **MS. PERRY:** I'm certainly happy to, Your Honor.

22 (Video was played but not reported.)

23 **MS. PERRY:** So, Your Honor, I believe that the witness
24 will be able to identify the voice as that of Mr. Bailey and
25 the person who pulled up in the car as Mr. Anderson.

1 Mr. Bailey describes that Bo is there.

2 There is a short part where the female is talking, and
3 it's difficult to hear what she says. But Mr. Bailey is
4 speaking after that, identifying the person as Mr. Anderson.

5 The Government believes that this is relevant as
6 Mr. -- the witness will identify the vehicle, but also it is
7 Mr. Anderson at the gas station which has been identified as
8 the headquarters of the gang. And he is there with Mr. Bailey
9 as well as there are some other members of the gang who are
10 seen panned in the video.

11 This witness will not testify about who those people
12 are, but it may come up later. So that's why the Government
13 believes this video is relevant.

14 **THE COURT:** This witness is going to testify as to
15 Mr. Bailey and Mr. Anderson --

16 **MS. PERRY:** Yes.

17 **THE COURT:** -- being there?

18 **MS. HOFFMAN:** Yes.

19 **THE COURT:** Okay.

20 **MS. AMATO:** Your Honor, they don't have to show the
21 whole video. I mean, they can show the very first part where
22 you see Mr. Anderson, his face. He's looking back in the
23 vehicle, and you hear Mr. Bailey's voice, I guess. And then
24 just cut it off at that point, but they don't need to play the
25 whole video. I mean, this part we just see a vehicle.

1 But the better shot that they want is just of
2 Mr. Anderson in the beginning of the video.

3 **THE COURT:** Right.

4 **MS. AMATO:** So just to show that part and then cut it
5 off at that point.

6 **MS. PERRY:** Your Honor, it is later in the video that
7 the other members of the gang appear in the background, that
8 you can see that there are other people who are at the
9 particular location. And the latter part is where Mr. Bailey
10 identifies it as Bo, talking about him pulling up at the gas
11 station.

12 So we do -- we would rather play the whole video. We
13 do believe it is relevant. It is not very long. And the
14 portions that have other people talking are not going to be
15 highlighted. I don't think that they're difficult to hear.

16 The other male behind the female is an individual
17 who's been identified as Cameron Allen and who's been
18 identified as a co-conspirator. But, again, it is simply
19 relevant and probative that Mr. Bailey is speaking and
20 identifying Mr. Anderson.

21 **THE COURT:** And that is after the unidentified
22 woman --

23 **MS. PERRY:** That is correct.

24 **THE COURT:** -- speaks?

25 So I don't think we can -- all right. You can play

1 the video.

2 Anything else for this afternoon that we should
3 anticipate? Any issues?

4 **MS. PERRY:** Nothing from our perspective, Your Honor.

5 **THE COURT:** Okay. I'll see you all at 2 o'clock.

6 We're excusing the gallery first.

7 (Luncheon recess taken.)

8 **THE COURT:** All right. We're ready to maybe have the
9 witness get back on the stand.

10 And we'll get the jury.

11 (Jury entered the courtroom at 2:07 p.m.)

12 **THE CLERK:** Sir, you're still under oath.

13 **THE WITNESS:** Yes, ma'am.

14 **THE COURT:** If you'd like to continue, Ms. Perry.

15 **MS. PERRY:** Thank you.

16 **BY MS. PERRY:**

17 **Q.** Mr. Hankins, before the break, I believe we had been
18 talking about some financial transactions you had done for
19 Mr. Bailey, and you were telling us about a time that you
20 provided Mr. Bailey with heroin.

21 **A.** Yes.

22 **Q.** And you also had talked about a time that you went with
23 Mr. Bailey to purchase some drugs and about a time that you saw
24 Mr. Bailey actually making a sale.

25 With respect to the financial transactions, what was your

1 understanding of where the money came from?

2 **A.** The streets.

3 **Q.** And what do you mean by that?

4 **A.** By way of -- of hustling, selling drugs or whatever.

5 **Q.** Now, Mr. Hankins, have you ever personally heard
6 Mr. Bailey discussing gang dues?

7 **A.** Not really. A side conversation, kind of.

8 **Q.** Can you tell us about that conversation.

9 **A.** Just that, you know, everybody got to pay up, you know,
10 and just makin' sure that everything is going towards the team,
11 you know, stuff like that.

12 **Q.** And is this something you heard from Mr. Bailey?

13 **A.** Yes.

14 **Q.** Who was he talking to?

15 **A.** I'm not sure exactly.

16 **Q.** Have you ever been a part of a gang meeting?

17 **A.** No.

18 **Q.** Do you know if gang meetings exist?

19 **A.** Through way of -- I mean, I assumed that they were gang
20 meetings 'cause everybody was there was --

21 **MS. AMATO:** Objection; speculative.

22 **THE COURT:** Sustained.

23 **BY MS. PERRY:**

24 **Q.** Without telling us what you assumed, did you ever have a
25 conversation with Mr. Bailey or another member of the gang

1 about meetings?

2 **A.** Yes.

3 **Q.** Can you tell us about that conversation.

4 **A.** He was just basically saying -- he told me that, you know,
5 he got to meet with everybody to make sure everything good and
6 keep the money straight and just -- just that everything was
7 going towards making sure, like, if bails or anything like
8 that -- if somebody needed to be bailed out, they would add up
9 them funds to do it or if they wanted to do something, the
10 money would be there.

11 **Q.** Now, Mr. Hankins, have you ever been to -- had you ever
12 been to Mr. Bailey's house?

13 **A.** Yes.

14 **Q.** Approximately how many times?

15 **A.** Several.

16 **Q.** And did you ever see any paperwork in Mr. Bailey's house?

17 **A.** There was -- a notepad was flipped over, and he just had
18 some things scribbled on it. Kind of out of my peripheral, I
19 seen it, but never directly as far as, like, sittin' down and
20 readin' anything, no.

21 **Q.** Mr. Hankins, were there -- were you ever with Mr. Bailey
22 when he was engaged in or discussing other gang activities that
23 involved violence?

24 **A.** One day he told me he came back from taking care of
25 something down on Cooks Lane, and he was just, like, basically

1 saying that a situation had happened and they dealt with them
2 niggas or something.

3 **Q.** What did he tell you about what happened on Cooks Lane
4 specifically?

5 **A.** Just that they got into it with somebody and they went and
6 took care of the beef 'cause niggas was robbin' niggas up at
7 the gas station, and he went and handled it.

8 **Q.** What did he mean by "took care of it"?

9 **MR. ENZINNA:** Objection.

10 **THE COURT:** Sustained.

11 **BY MS. PERRY:**

12 **Q.** Mr. Hankins, what was your understanding of Mr. Bailey's
13 use of the phrase "took care of it"?

14 **MR. ENZINNA:** Objection.

15 **THE COURT:** Can you explain what it might be based on.

16 **BY MS. PERRY:**

17 **Q.** Did you -- did Mr. Bailey tell you specifically what had
18 happened?

19 **A.** They got into a shootout.

20 **Q.** Now, you said "they." Did Mr. Bailey tell you who was
21 with him?

22 **A.** It was J-Rock, Jack, and I don't remember who else was
23 with him.

24 **Q.** Now, you said that they got into a shootout. Did you
25 yourself ever see Mr. Bailey carrying firearms?

1 **A.** Yes.

2 **Q.** Can you describe the firearms you've seen him with.

3 **A.** I seen him with handguns. One of 'em had an extended
4 clip. I seen him with a fatigue gun, handgun, all green but
5 was fatigue. Like, it was painted.

6 **Q.** And what do you mean by "fatigue"?

7 **A.** Army-issue fatigue, like, camouflage.

8 **Q.** Did you -- where were Mr. Bailey -- where did you see
9 these guns?

10 **A.** Either on his person or in a car with him.

11 **Q.** Did you ever see Mr. Bailey storing a gun somewhere?

12 **A.** Mr. Bailey, per se, no. But I've seen other people around
13 him.

14 **Q.** And who were these people you're referring to?

15 **A.** A gentleman named Champagne.

16 **Q.** And what did you see?

17 **A.** I seen him put some guns in a -- in a Crown Vic in front
18 of his house.

19 **Q.** Did you know where in the -- in front of whose house,
20 first?

21 **A.** Don -- Bailey's.

22 **Q.** And you said you saw him putting them in a Crown Vic.
23 Where was the Crown Vic?

24 **A.** Parked in front of his house.

25 **Q.** Do you know where in the vehicle he was putting them?

1 **A.** In the trunk.

2 **Q.** Mr. Hankins, did you ever see -- did you yourself ever see
3 Mr. Bailey actually use a firearm?

4 **A.** Yes.

5 **Q.** Can you tell us when this was.

6 **A.** One night we was all out in the apartment complex, and we
7 was all out there kind of chillin'. It was a dude walkin' down
8 with a hoodie, hoodie on.

9 Gutta yelled at him and said, you know, "Who that?"

10 And the guy didn't respond, and he just kept on walkin'.

11 And out of nowhere, Gutta came up with the gun and
12 started -- and let off like three or four shots. And the guy
13 started runnin' off.

14 **Q.** Now, you said "at the apartment complex." Which apartment
15 complex are you talking about?

16 **A.** I don't want to quote, but I think it's Blue Fountain. I
17 think the apartment complex was called Blue Fountain.

18 **Q.** I'm going to show you again MAP-34. I believe you looked
19 at this exhibit earlier.

20 Can you tell us where specifically you're referring to.

21 **A.** In this parking lot right here (indicating).

22 **Q.** Indicating the first parking lot on the screen next to the
23 words "Blue Fountain Apartments"?

24 **A.** Yes.

25 **Q.** And what were you doing in the Blue Fountain apartments or

1 in that apartment complex on that particular night?

2 **A.** Basically, hangin' out with Gutta, meetin' up with him,
3 discussing business and stuff like that.

4 **Q.** And the person that you described in the hoodie, had you
5 seen this person before?

6 **A.** I couldn't even tell you who it was. If he walked in here
7 right now, I couldn't. He just had on a dark hoodie.

8 **Q.** And where -- what was this person doing?

9 **A.** He basically had his hands inside his dip, and he was
10 walkin' -- walkin' past us.

11 **Q.** And as he was walking past, what happened?

12 **A.** Gutta called out to him. He didn't say nothin', so Gutta
13 just let out some shots.

14 **Q.** What did Gutta say?

15 **A.** "Who dat? What's up?"

16 **Q.** And did the person in the hood respond?

17 **A.** No.

18 **Q.** Do you know where the gun came from?

19 **A.** I believe it was on the tire of a car.

20 **Q.** Was anyone injured that you know of?

21 **A.** No.

22 **Q.** What did you do after this particular incident?

23 **A.** Well, everybody left. Everybody that was sittin' in the
24 parking lot talkin', smokin' weed, we all left.

25 **Q.** Mr. Hankins, was there a time that you went with

1 Mr. Bailey to Frederick, Maryland?

2 **A.** Yes.

3 **Q.** Why did you go to Frederick?

4 **A.** Gutta told us there was somebody down that was holding
5 like eighty, eighty to a hundred thousand in the house.

6 **Q.** And after he -- did he tell you -- why did he tell you
7 that?

8 **A.** Just 'cause we -- we all was lookin' for money at all
9 times. You know what I mean? By -- kind of by any means
10 necessary.

11 **Q.** And what happened after he told you this?

12 **A.** I was down a ride. I went and jumped in the car. I drove
13 him and a few other gentlemen down to -- to the guy's house.

14 **Q.** Who else was in the car with you?

15 **A.** Boojie, S-Dot, and Jack.

16 **Q.** And were these other people who hung out in the area of
17 Windsor Mill?

18 **A.** Yes.

19 **Q.** Was anything else in the car with you?

20 **A.** Was anything else?

21 **Q.** (Nods head.)

22 **A.** Yes. We had guns and tasers.

23 **Q.** And where did you go?

24 **A.** We went somewhere in Frederick, Maryland.

25 **Q.** How did you know where to go?

1 **A.** I was told by Gutta.

2 **Q.** And did -- when you got to Frederick, what happened?

3 **A.** We all got out -- well, except for Dot, we got out and
4 walked over and looked at the house. And we waited and waited.
5 And then we was talkin' about ways to go in. And a guy winded
6 up coming out to walk his dog and kind of, like, caught us,
7 like, trying to come in his house. And we all ran off.

8 **Q.** So did you ever go in the house that day?

9 **A.** No.

10 **Q.** So after the guy came out of the house and saw you, where
11 did you go?

12 **A.** We came back to -- to Baltimore.

13 **Q.** Mr. Hankins, did there come a time when you learned about
14 an incident involving a bus?

15 **A.** Um --

16 **Q.** Well, first, did you learn about this incident?

17 **A.** Yes.

18 **Q.** And who did you hear about it from?

19 **A.** S-Dot.

20 **Q.** And what did S-Dot tell you about what happened?

21 **A.** Basically, he was, like, trying to describe how gangsta
22 and crazy Gutta is. So he was, like, Shit, well, Gutta, man,
23 he will do anything. Like, he got on the bus and made
24 everybody get off the bus and put a gun in the dude' face
25 because the guy was throwing up gang signs or doing something

1 gang-related and that he asked the dude, What's mobbin'?

2 Apparently.

3 **Q.** And that was according to what S-Dot told you?

4 **A.** Yes.

5 **Q.** Mr. Hankins, during your time hanging out in the area of
6 Windsor Mill and Forest Park, did you become familiar with a
7 person who went by the name of Bangout?

8 **A.** Yes.

9 **Q.** How did you know Bangout?

10 **A.** Through Gutta.

11 **Q.** And was Bangout a member of the mobsters?

12 **A.** Yes.

13 **Q.** How did you know?

14 **A.** Basically, 'cause I was told he was.

15 **Q.** Who told you?

16 **A.** Gutta.

17 **Q.** Do you know what happened to Bangout?

18 **A.** He was murdered.

19 **Q.** I'm going to show you Government's Exhibit IND-27.

20 Do you recognize this person?

21 **A.** Yes.

22 **Q.** Who is this?

23 **A.** Bangout.

24 **Q.** Now, was there a time when you learned about the
25 circumstances or learned something about Bangout's murder?

1 **A.** Yes.

2 **Q.** From whom?

3 **A.** Dominick Wedlock.

4 **Q.** And how do you know Dominick Wedlock?

5 **A.** Um, we met in the halfway house. I later found out that
6 Gutta said that he was his brother, and then he later married
7 my cousin.

8 **Q.** And was Dominick Wedlock a member of the mobsters?

9 **A.** Yes.

10 **Q.** How do you know?

11 **A.** Um, 'cause he told me.

12 **Q.** And did Dominick Wedlock go by any nicknames that you knew
13 of?

14 **A.** Rage.

15 **Q.** I'm going to show you Government's Exhibit IND-94.

16 Do you recognize this person?

17 **A.** Yes.

18 **Q.** Who is this?

19 **A.** It's Dominick Wedlock.

20 **Q.** I'm going to show you Government's Exhibit IC-88, which is
21 an excerpt from an iCloud account belonging to Dante Bailey.

22 What are we looking at here?

23 **A.** Gutta, Nick, and me.

24 **Q.** And where was this photograph taken, if you can tell?

25 **A.** On the side of the gas station where the check cashing

1 spot was.

2 **Q.** Now, I believe you said that you learned about Bangout's
3 death from Mr. Wedlock; is that right?

4 **A.** Yes.

5 **Q.** What did Mr. Wedlock tell you?

6 **A.** He said that Bangout thought that Gutta was going to send
7 him to kill him, but he didn't.

8 **Q.** So let me just unpack some of those "hims."

9 Mr. Wedlock told you that Bangout said that who was going
10 to send --

11 **A.** He said that Bangout thought that Gutta was going to send
12 him to kill him.

13 **Q.** And that "him" is Mr. Wedlock?

14 **A.** Yes.

15 **Q.** Why would Mr. Bailey -- why would Gutta -- did Gutta have
16 a problem with Bangout that you knew about?

17 **A.** To my knowledge, it was some type of -- he had a -- a
18 grievance over --

19 **MR. ENZINNA:** Objection; basis of knowledge.

20 **BY MS. PERRY:**

21 **Q.** Did someone tell you about an issue between Gutta and
22 Bangout?

23 **A.** Yes.

24 **Q.** Who told you?

25 **A.** Gutta.

1 **Q.** What did Gutta tell you?

2 **A.** That, you know, nigga was acting crazy over some bullshit.
3 He was -- he was mad about -- I witnessed the conversation with
4 him and Bangout on the phone. Bangout was crying about him
5 leaving him down in either Georgia or South Carolina or
6 something. He got locked up. They was supposed to be
7 together. But Gutta never sent him no money or something.

8 **Q.** And in addition to that, did you learn about another issue
9 between Gutta and Bangout?

10 **A.** Well, supposedly Bangout was makin' threats and saying he
11 will -- he will bring his cousins up there and shoot up the gas
12 station, something like that.

13 **Q.** Do you know if Bangout had ever been sanctioned by the
14 mobsters?

15 **A.** Yes.

16 **Q.** How do you know?

17 **A.** I pulled up right after they did it, and Nick was holding
18 his hand. And I was joking with him. I'm like, you know --
19 You know I like to fight. Why you all not let me know?

20 And he was like, You can't do that 'cause it's mob
21 business.

22 **Q.** And what did he tell you happened?

23 **A.** He said that they -- they sanctioned Bangout.

24 **Q.** And did he tell you who sanctioned Bangout?

25 **A.** It was Easy, Nick, and Melvin.

1 **Q.** I'm going to show you Government's Exhibit IND-58.

2 Do you recognize this person?

3 **A.** Yes.

4 **Q.** Who is this?

5 **A.** Melvin.

6 **Q.** And was Melvin a member of the mobsters?

7 **A.** Yes.

8 **Q.** How do you know?

9 **A.** Just from being around him and him being up the gas
10 station.

11 **Q.** And showing you Government's Exhibit IND-84.

12 Do you recognize this person?

13 **A.** Yes.

14 **Q.** Who is this?

15 **A.** Easy.

16 **Q.** And was he a member of the mobsters?

17 **A.** Yes.

18 **Q.** How do you know?

19 **A.** He told me.

20 **Q.** Mr. Hankins, did Mr. Wedlock ever tell you who actually
21 committed the murder?

22 **A.** No.

23 **Q.** Did Mr. Wedlock tell you about another murder that he knew
24 about?

25 **A.** Yes.

1 **Q.** What did he tell you?

2 **A.** He said he was mad because Gutta didn't pay him after
3 they -- they killed whoever kidnapped Dot.

4 **Q.** Let me unpack that.

5 Let me show you, first, Government's Exhibit IND-14.

6 Do you recognize this person?

7 **A.** S-Dot.

8 **Q.** And how do you know S-Dot?

9 **A.** We got real close in, like, 2010, 2011.

10 **Q.** And was S-Dot a member of the mobsters?

11 **A.** No, not to my knowledge.

12 **Q.** Did S-Dot hang out in the Windsor Mill-Forest Park area?

13 **A.** Yes.

14 **Q.** And so you said that Mr. Wedlock told you that he was
15 upset.

16 What was he upset about?

17 **A.** Because supposedly S-Dot went to -- to Gutta and told him
18 that, you know what I mean, he had got kidnapped and robbed and
19 he needed to be dealt with. And Gutta put Dominick Wedlock and
20 Easy on -- on it to take care of it. And they found out who
21 did it, and supposedly they got -- they killed him. But in the
22 process of 'em doing it, they was supposed to get paid for it
23 and they never got paid for it.

24 **Q.** Who was supposed to pay them?

25 **A.** Um, S-Dot was supposed to pay Gutta, and Gutta was

1 supposed to pay them.

2 **Q.** Mr. Hankins, are you familiar with someone named
3 Bobby Shmurda?

4 **A.** Yes.

5 **Q.** And did you ever hear Mr. Bailey discussing an incident
6 with Bobby Shmurda?

7 **A.** Yes.

8 **Q.** Can you tell us what Gutta told you.

9 **A.** He -- he -- we often had different vehicles, and he came
10 and got my vehicle and went down to Mondawmin Mall. And when
11 they got to Mondawmin Mall, he -- he slapped Bobby Shmurda or
12 something and they took his chain.

13 **Q.** Did he tell you why he did this?

14 **A.** Supposedly one of the dudes was throwing up gang signs or
15 something.

16 **Q.** So I want to play you a call that has come in as an
17 exhibit on Government's Exhibit Wire B. This is Call B-74, and
18 the transcript is on Page 270 of your transcript binder.

19 And while I'm pulling up the call, I just want to ask you,
20 I believe you said that you were told that Gutta took his
21 chain. What do you mean by that, "took his chain"?

22 **A.** His -- his jewelry.

23 **MS. WHALEN:** Can you give the page again, please.

24 **MS. PERRY:** Page 270, I believe, of the wire call tab.

25 (Audio was played but not reported.)

1 **BY MS. PERRY:**

2 **Q.** Mr. Hankins, did you recognize any of the voices?

3 **A.** Just SP.

4 **Q.** And we'll come back to SP in a minute.

5 But looking over here at the transcript, did you hear when
6 an individual on the call said [reading]: I had seen Gutta and
7 that "N" word had about 50 chains around his neck?

8 **A.** Yes.

9 **Q.** And did you hear where Spence said they were going around
10 taking "N" words' chains?

11 **A.** Yes.

12 **Q.** I want to now play you one other call. This is from
13 jail call -- Government's Exhibit JAIL-1. This is J-31, and
14 the transcript is on Page 99 of the jail call tab.

15 I'm going to play it from the beginning to start.

16 (Audio was played but not reported.)

17 **BY MS. PERRY:**

18 **Q.** Now, do you recognize that voice?

19 **A.** Yes.

20 **Q.** Whose voice is that?

21 **A.** Nick.

22 **MS. PERRY:** Now I'm going to jump ahead to about

23 5 minutes and 27 seconds into the call.

24 (Audio was played but not reported.)

25 **BY MS. PERRY:**

1 **Q.** I'm going to pause it right there.

2 Mr. Hankins, do you recognize either of those voices?

3 **A.** Yes.

4 **Q.** Who do you recognize them to be?

5 **A.** Nick and -- and Melvin.

6 **MS. PERRY:** I'm going to jump ahead now to 22 minutes
7 and 41 seconds into the call.

8 (Audio was played but not reported.)

9 **MS. PERRY:** I'm going to stop it there.

10 **BY MS. PERRY:**

11 **Q.** Did you hear mention of Bobby Shmurda during that call?

12 **A.** Yes.

13 **Q.** And is that the individual you were talking about earlier
14 who had his chain taken?

15 **A.** Yes.

16 **Q.** Now, Mr. Hankins, I believe before the break, you told us
17 that you knew an individual named Dirt and that you at one
18 point took money from Dirt to take to the casino.

19 Do you remember that?

20 **A.** Yes.

21 **Q.** When did you first meet Dirt?

22 **A.** I think that night that I met him with -- with Gutta, that
23 was the first time.

24 **Q.** And who introduced you to him?

25 **A.** Gutta.

1 Q. And do you know if Dirt was a member of the mobsters?

2 A. Yeah. Gutta told me that he was, like, the one that
3 handled all the money.

4 Q. And did you learn where Dirt operated?

5 A. Kind of yes and no. I know he -- he wasn't around
6 Windsor Mill area. He was like a floater. But I've seen him
7 leaving from meetin' with -- with Gutta in the Liberty Heights
8 area.

9 Q. And did you ever have communication with Dirt?

10 A. No.

11 Q. Did you ever have a phone number for Dirt?

12 A. Yes.

13 Q. How did you get that phone number?

14 A. Um, from him and Gutta. If I ever couldn't get in contact
15 with Gutta, he told me to call Dirt.

16 Q. I'm going to show you again what's CELL-19. I'm going to
17 show you Page 19 of this exhibit.

18 And looking here at the top, who is this contact for?

19 A. Dirt.

20 Q. But, again, did you ever actually contact Dirt?

21 A. No.

22 Q. Do you know what kind of car Dirt drove?

23 A. A S550.

24 Q. How did you know?

25 A. I seen him in it.

1 **Q.** And what did you see him doing in it?

2 **A.** Just drivin' his car, just being around.

3 **Q.** I'm going to show you Government's Exhibit IC-109.

4 Can you tell us what we're looking at here.

5 **A.** A black S550 with Dirt inside and SP at the window. And
6 it look like Jack, but I can't tell.

7 **Q.** And which one is SP?

8 **A.** The chubbier one in the white T.

9 **Q.** And you told us earlier that you believe the person on
10 that call was SP. Is this the same SP you're talking about?

11 **A.** Yes.

12 **Q.** I'm going to come back to SP in a few minutes.

13 Now, you told us earlier that you -- when you met with
14 Gutta and Dirt, that you took money from Dirt. How was that
15 money? What --

16 **A.** Cash.

17 **Q.** And how much money was provided by Dirt, if you recall?

18 **A.** I don't recall.

19 **Q.** And do you know where that money came from?

20 **A.** No.

21 **Q.** Now, I'm going to show you Government's Exhibit IND-2.

22 Do you recognize this person?

23 **A.** Yes.

24 **Q.** Who is this?

25 **A.** Bo.

1 **Q.** And when did you first meet Bo?

2 **A.** Like two thousand, like, eleven, I think.

3 **Q.** How did you meet Bo?

4 **A.** Through S-Dot.

5 **Q.** And do you see Bo in the courtroom today?

6 **A.** Yes.

7 **Q.** Could you point to him and indicate what he's wearing.

8 **A.** On the end in a white button-down.

9 **Q.** And did you learn whether or not Bo was a member of the
10 mobsters?

11 **A.** I don't believe he was.

12 **Q.** Did you ever see Bo in the area?

13 **A.** Yes.

14 **Q.** Where would you see him?

15 **A.** Normally at the gas station or maybe in the townhouses.

16 **Q.** And who would be -- who would you see Bo with when you saw
17 him?

18 **A.** Um, sometimes Gutta, sometimes just the other neighborhood
19 guys.

20 **Q.** How many times did you hang out or talk to Bo?

21 **A.** Um, I didn't hang out with him, per se, that much.

22 One night we went to a show off of Mulberry and Franklin,
23 like around Franklin. That was like the only time we ever
24 went -- went out together. But it was a lot of guys there, but
25 we wasn't directly interacting.

1 **Q.** Do you know what kind of vehicle Bo drove?

2 **A.** Normally Hondas.

3 **Q.** How do you know?

4 **A.** I seen him in 'em.

5 **Q.** Where did you see him at?

6 **A.** At the gas station.

7 **Q.** And when you would see Bo at the gas station or in the
8 area, would you ever see him carrying anything?

9 **A.** I only seen him with a gun like once.

10 **Q.** And when did you see him with a gun?

11 **A.** I believe he was either in the townhouses or the gas
12 station. I don't quite remember. I just know I saw him like
13 once.

14 **Q.** Where was the gun when you saw him with it?

15 **A.** In his dip.

16 **Q.** Did you ever have a conversation with Gutta about Bo
17 related to drugs?

18 **A.** Well, basically, he said -- yes, yes.

19 **Q.** And what did Gutta tell you?

20 **A.** He said that they took a loss. He waitin' for Bo to get
21 back straight so that he could get right. That was when I went
22 and got him the -- the drugs.

23 **Q.** And, again, you say he -- that Gutta told you he took a
24 loss. What does it mean to take a loss?

25 **A.** Either that somebody robbed him or the police confiscated

1 some drugs.

2 Q. And he told you that he was waiting for Bo to get back
3 straight?

4 A. Yes.

5 Q. What does that mean?

6 A. To reup.

7 MS. AMATO: Objection.

8 THE COURT: Overruled.

9 BY MS. PERRY:

10 Q. And did you know -- what was Gutta talking about? What
11 kind of drugs?

12 A. Heroin.

13 Q. I'm going to show you Government's Exhibit IC-134.
14 (Video was played but not reported.)

15 MS. PERRY: I'm going to pause it right there.

16 BY MS. PERRY:

17 Q. First of all, can you tell us, do you recognize the voice?

18 A. Yes.

19 Q. Whose voice is that?

20 A. Gutta.

21 Q. And did you see the person who just pulled up?

22 A. Yes.

23 Q. Who was that?

24 A. Bo.

25 Q. And can you tell us where this video is.

1 **A.** At the gas station, at the BP gas station.

2 (Video was played but not reported.)

3 **BY MS. PERRY:**

4 **Q.** Mr. Hankins, did there come a time when you received a
5 phone call from someone else that you knew about Bo?

6 **A.** Yes. S-Dot called me, and he said he needed me to help Bo
7 get 80,000 back.

8 **Q.** And when you -- when he said 80,000, do you know what he
9 was referring to?

10 **A.** \$80,000.

11 **Q.** And what happened next?

12 **A.** I just gave him a few ways that he can get the money back,
13 but I told him that I could help him if he wanted to.

14 **Q.** Did S-Dot tell you what was going -- what the situation
15 was with Bo?

16 **A.** He just said the police had taken 80,000 from Bo.

17 **Q.** And did he tell you what Bo was trying to do?

18 **A.** He was trying to get his money back.

19 **Q.** And why did they call you?

20 **A.** Because I had legitimate businesses that I could make --
21 you know, or ways to get -- I'm the -- I play with paper, you
22 know, white collar. So I always have a way to legitimize
23 something or make something look like it was right even when it
24 wasn't.

25 **Q.** And so on this occasion they called you to ask about how

1 to potentially get this \$80,000 back?

2 **A.** Well, S-Dot called me. Bo didn't call me himself.

3 **Q.** But S-Dot told you that it was for Bo?

4 **A.** Yes.

5 **Q.** Did you know -- I believe you told us earlier that you
6 knew Bo to drive a Honda and I showed you the video. Did you
7 recognize the car in that particular video?

8 **A.** Yes.

9 **Q.** What car was it?

10 **A.** A black two -- a black two-door Honda coupe.

11 **Q.** Now, did you -- you testified earlier, I believe, that you
12 dealt with cars. Did you know Bo to deal with cars as well?

13 **A.** Yes.

14 **Q.** Can you tell us about that.

15 **A.** I just knew he had a dealer's license where he can go buy
16 his own cars if he wanted to.

17 **Q.** And do you know whether or not Bo sold cars?

18 **A.** No.

19 **Q.** No, you don't know?

20 **A.** No, I don't know.

21 **Q.** Now, we talked about SP a couple of times. I'm going to
22 show you Government's Exhibit IND-81.

23 Who are we looking at here?

24 **A.** SP.

25 **Q.** And when did you first meet SP?

1 **A.** Like 2011, somewhere in there.

2 **Q.** And who -- how did you meet SP?

3 **A.** S-Dot.

4 **Q.** And do you know if SP was a member of the gang?

5 **A.** I don't think he was.

6 **Q.** Where did you see SP?

7 **A.** Around the gas station, around the
8 Windsor Mill-Forest Park area.

9 **Q.** And how frequently did you see him there?

10 **A.** You know, a few times a week.

11 **Q.** And when you saw him there, what did you see him doing?

12 **A.** Just hangin' out for the most part. I mean, he was a
13 little reserved. So, you know, just kind of hangin' out, being
14 around.

15 **Q.** Did you ever see SP with drugs?

16 **A.** I didn't see him directly with drugs. I heard
17 conversations, heard him over here. He's gettin' ready to go
18 hit a sale or something like that.

19 **Q.** And was that in the area of Windsor Mill and Forest Park?

20 **A.** Yes.

21 **Q.** Now, I want to show you Government's Exhibit IND-60.

22 Do you recognize this person?

23 **A.** Yes.

24 **Q.** Who is this?

25 **A.** T-Roy.

1 **Q.** Did you know him by any other nicknames?

2 **A.** Droid.

3 **Q.** And do you see T-Roy in the courtroom today?

4 **A.** Yes.

5 **Q.** Could you point to him and indicate what he's wearing.

6 **A.** (Indicating.)

7 He got like a paisley, light-colored shirt on,
8 blue-colored shirt.

9 **Q.** And where -- how did you come to meet T-Roy?

10 **A.** Again, just by way of being in the area.

11 **Q.** And when you were in the area, would you run into T-Roy?

12 **A.** Yes; from time to time.

13 **Q.** And what was T-Roy doing when you would see him in the
14 area?

15 **A.** Just hangin' out.

16 **Q.** And do you know how T-Roy made money?

17 **A.** No, not directly.

18 **Q.** Did you ever see T-Roy in the area with anyone else?

19 **A.** Just all the guys. I mean, he frequently -- everybody up
20 there, like, just mingled with everybody else. You know what I
21 mean? It was kind of, like, just a big neighborhood. So
22 everybody kind of was cool with everybody.

23 **Q.** And do you know if T-Roy supplied drugs?

24 **A.** Not directly, no.

25 **Q.** Did you ever see him with drugs?

1 **A.** No.

2 **Q.** I'm going to show you IND-19.

3 Do you recognize this person?

4 **A.** Yes.

5 **Q.** Who is this?

6 **A.** Cream.

7 **Q.** And where did you meet Cream?

8 **A.** Again, just around the neighborhood, around the area.

9 **Q.** And where would you see him?

10 **A.** Around the area.

11 **Q.** And that would be the area of Windsor Mill and
12 Forest Park?

13 **A.** Windsor Mill and Forest Park, yes.

14 **Q.** Now I want to show you IND-32.

15 Do you recognize this person?

16 **A.** Yes.

17 **Q.** Who is this?

18 **A.** Syd.

19 **Q.** Let me actually go back to Cream for a second.

20 Do you see Cream in the courtroom?

21 **A.** Yes.

22 **Q.** And where is he?

23 **A.** At the second table.

24 **Q.** Okay. So going back to IND-32, I believe -- tell us again
25 who this is.

1 **A.** Syd.

2 **Q.** And when did you first meet Syd?

3 **A.** Probably around the same time.

4 **Q.** And who introduced you to Syd?

5 **A.** I think Jack introduced me to Syd.

6 **Q.** And where would you see Syd?

7 **A.** At the gas station or in the -- in the townhouses.

8 **Q.** And when you saw Syd, what was he doing?

9 **A.** Normally just grindin', trying to -- trying to hustle,
10 make sales.

11 **Q.** And when you say "make sales," make sales of what?

12 **A.** Drugs.

13 **Q.** Did you ever actually see Syd with drugs?

14 **A.** I seen him hit sales, yes.

15 **Q.** And describe -- what do you mean by that?

16 **A.** I seen him serve a fiend.

17 **Q.** So you've seen him approach someone and hand them --

18 **A.** Yes.

19 **Q.** -- drugs?

20 Do you know what kind of drugs Syd sold?

21 **A.** No, I couldn't see what it -- what exactly he had. But
22 coke, heroin, that type of thing, I guess.

23 **Q.** I'm going to show you Government's Exhibit IND-53.

24 Do you recognize this person?

25 **A.** Yes.

1 **Q.** Who is this?

2 **A.** Bino.

3 **Q.** When did you first meet Bino?

4 **A.** I first met him in -- sometime after 2013.

5 **Q.** And where did you meet him?

6 **A.** Through Gutta.

7 **Q.** And was Bino a member of the mobsters?

8 **A.** Yes.

9 **Q.** How do you know?

10 **A.** I was told.

11 **Q.** Now, I want to direct your attention to about April or May
12 of 2016. Did you have a conversation with Bino?

13 **A.** Yes.

14 **Q.** Where was that -- where did that conversation take place?

15 **A.** At Supermax.

16 **Q.** And what did Bino tell you?

17 **A.** He told me he was going to wait, wait out the whole thing
18 until -- so he could find out who was tellin' on him, and then
19 he was going to kill 'em.

20 **Q.** And what's Supermax?

21 **A.** The federal detention.

22 **Q.** The federal facility here in Baltimore?

23 **A.** Yes.

24 **Q.** Is it also known as the Chesapeake Detention Facility or
25 CDF?

A. Yes, yes, that's the formal name.

MS. PERRY: Just a moment.

Nothing further, Your Honor. Thank you.

THE COURT: All right. Thank you.

I'll see if there are any questions.

Mr. Enzinna.

MR. ENZINNA: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. ENZINNA:

Q. Good afternoon, Mr. Hankins.

A. Good afternoon, sir.

12 Q. You testified earlier that there were -- that you knew
13 many of the members of MMP.

14 A. Yes.

15 Q. And that you -- you knew they were members of MMP in
16 different ways, right, by tattoos, you mentioned?

17 A. Yes.

18 Q. And people told you?

19 A. Yes.

20 9. And people made gang signs?

21 A. Yes.

22 Q. Did you know a gentleman named Jay Greer?

23 | A. Yes.

24 Q. He was a member of MMP, wasn't he?

25 A. Yes.

1 **Q.** Now, were you a member of MMP?

2 **A.** Never.

3 **Q.** I'm going to show you an exhibit that you looked at
4 earlier. This is IC-87.

5 You -- I believe you testified that was a picture of you
6 with Mr. Bailey in the car?

7 **A.** Yes.

8 **Q.** What are you doing with your left hand?

9 **A.** Throwing up the mobster sign.

10 **Q.** Okay. All right. You also testified earlier about a
11 bank fraud conviction. You pled guilty in 2016 --

12 **A.** Yes.

13 **Q.** -- correct?

14 But you also pled guilty to a prior bank fraud, correct,
15 in 2012?

16 **A.** Aiding and abetting, yes.

17 **Q.** Aiding and abetting bank fraud?

18 **A.** Yes.

19 **Q.** Okay. In fact, you were on supervised release following
20 your sentence in that case when you committed this second
21 bank fraud; right?

22 **A.** Correct.

23 **Q.** So those are two separate convictions?

24 **A.** Yes.

25 **Q.** And you also testified earlier that you were convicted, I

1 think, of third-degree car theft?

2 **A.** Yes.

3 **Q.** That was a carjacking, wasn't it?

4 **A.** No. It was actually a complete misunderstanding. But it
5 went down as a third-degree car theft because I just pleaded
6 out. The case was taking forever, and the witness wasn't
7 comin' to court. And I just said, The heck with it. I'll just
8 take the plea just to get it over with.

9 **Q.** Well -- this happened at a casino?

10 **A.** Outside a casino.

11 **Q.** Outside a casino?

12 **A.** Yes.

13 **Q.** And you met some people outside the casino --

14 **A.** Correct.

15 **Q.** -- who had talked about the money they'd won; correct?

16 **A.** Correct.

17 **Q.** And you followed them to their car?

18 **A.** Yes. We went to -- we went to the gas station.

19 **Q.** And you used a gun to threaten one of them with his life;
20 correct?

21 **A.** No, sir.

22 **Q.** That's not true?

23 **A.** No.

24 **Q.** So if the police report says that, that's false?

25 **A.** There was no weapon recovered, and there were no weapons

1 at all.

2 **Q.** All right. Now, have you ever been a cooperator before?

3 **A.** No.

4 **Q.** Never?

5 **A.** No.

6 **Q.** And by that, I mean -- I don't mean just testified in
7 court, but have you ever given information to police about
8 other criminal defendants?

9 **A.** No.

10 **Q.** Okay. Now, you have met on several occasions with the
11 prosecutors in this case, the AUSAs?

12 **A.** That's correct.

13 **Q.** And with the case agents?

14 **A.** Yes.

15 **Q.** Which agents have you met with?

16 **A.** I'm not sure of their names.

17 **Q.** Okay. When was the last time you met with them?

18 **A.** This morning.

19 **Q.** This morning.

20 Did you meet with them during lunch?

21 **A.** No.

22 **Q.** And this morning, how long did you meet with them?

23 **A.** Approximately an hour.

24 **Q.** What did you talk about?

25 **A.** Just went over what I was saying.

HANKINS - CROSS

1 Q. Okay. All right. You testified earlier -- oh, I'm sorry.
2 We talked about Mr. Greer a minute ago.

3 Was Mr. Greer also known as Champagne?

4 A. Yes.

5 Q. And you testified earlier that you saw Champagne put guns
6 in the trunk of a Crown Vic outside Mr. Bailey's house; is that
7 right?

8 A. That's correct.

9 Q. So that would have been Mr. Greer?

10 A. Yes.

11 Q. Okay. All right. You also testified earlier about
12 certain telephone numbers for Mr. Bailey that were in your
13 contacts --

14 A. Yes.

15 Q. -- correct?

16 And there were, I think, four of them that you testified
17 to, four different numbers.

18 A. Yes.

19 Q. Okay. And three of them were -- well, they were in two
20 different phones; right?

21 A. Yes.

22 Q. And three of them were in one phone -- was that your
23 phone?

24 A. Yes.

25 Q. And then there was a second phone that had a different

1 one.

2 **A.** That also was my phone.

3 **Q.** That also was your phone as well?

4 **A.** Yes.

5 **Q.** But that had a different number.

6 **A.** Yes.

7 **Q.** And that number ended in 9975.

8 **A.** I believe so.

9 **Q.** And when you testified about that, you were asked if
10 you -- if that was Mr. Bailey's number. And I think you said,
11 "To my knowledge."

12 What did you mean by that?

13 **A.** It means that to -- to my understanding, the understanding
14 that I have as a person, that was correct.

15 **Q.** Did you ever call him on that number?

16 **A.** I believe I did.

17 **Q.** Okay. You also testified earlier that you sometimes had
18 to get ahold of him through Tiffany, his wife --

19 **A.** Yes.

20 **Q.** -- because he would get rid of his phone?

21 **A.** Either get rid of 'em; they were cut off; he had frequent
22 times where he was locked up, so, of course, he might not have
23 that phone number anymore; might have got rid of the phone.

24 **Q.** But there were times when he was not locked up when he
25 didn't have his phone with him.

HANKINS - CROSS

1 **A.** Correct.

2 **Q.** All right. Now, you said earlier that you saw -- you were
3 asked about whether you saw Mr. Bailey purchase drugs.

4 **A.** Yes.

5 **Q.** And you mentioned where you went to a barbershop and
6 waited, and he got into another car and came back.

7 **A.** Yes.

8 **Q.** And when he came back, you said he told you that he -- he
9 had arranged to purchase some drugs; correct?

10 **A.** Yes.

11 **Q.** So you never saw the drugs actually, did you?

12 **A.** No, I didn't.

13 **Q.** Okay. And you also testified earlier about a situation --
14 and correct me if I'm misunderstanding this.

15 But what I understood is that you said he -- you got him a
16 total of 50 grams --

17 **A.** Yes.

18 **Q.** -- and you gave him 25 grams that he paid you for.

19 **A.** After -- he paid me at the end.

20 **Q.** Okay.

21 **A.** He didn't pay me when I handed it to him.

22 **Q.** Understand.

23 **A.** He gave it to me -- I gave it to him on consignment.

24 **Q.** Okay. And then you also gave him the second 25 grams, but
25 he didn't pay you for that?

1 **A.** Correct.

2 **Q.** What's the street value of 50 grams of heroin -- was it
3 heroin?

4 **A.** Yes.

5 **Q.** What's the street value?

6 **A.** It can -- it can range.

7 **Q.** How much does a gram of heroin sell for?

8 **A.** It can go from -- sell wholesale or sell --

9 **Q.** On the street.

10 **A.** I mean, \$100.

11 **Q.** Okay. So 50 grams would be about \$5,000?

12 **A.** Yes.

13 **Q.** And I think you said that Mr. Bailey came to you to get
14 that -- to get that heroin because he said he was dry; is that
15 right?

16 **A.** Yes.

17 **Q.** Which meant he had no other drugs at all?

18 **A.** He couldn't find anything good.

19 **Q.** Okay.

20 **A.** It's always easy to find something else, but not having
21 quality.

22 **Q.** All right. Now, you testified earlier about laundering
23 money for Mr. Bailey. And one of the ways you said you did
24 this was by taking cash from him and going to the casino and
25 gambling with it and giving him from your winnings the amount

1 he gave you plus 50 percent?

2 **A.** Yes.

3 **Q.** Correct?

4 Okay. So let me make sure I understand this. He would
5 give you -- let's say he gave you a thousand dollars?

6 **A.** Uh-huh.

7 **Q.** You would take that thousand dollars, go to the casino,
8 and play blackjack?

9 **A.** Yes.

10 **Q.** And you said you -- you doubled or tripled your money?

11 **A.** Yes.

12 **Q.** Always?

13 **A.** Yes. Most of the time, yes.

14 **Q.** What's your secret?

15 **A.** I mean, if I told you that, it wouldn't be a secret
16 anymore.

17 **Q.** True. True. Okay.

18 So you would win the money --

19 **A.** Right.

20 **Q.** -- and then you would -- let's say you won \$5,000.

21 **A.** Uh-huh.

22 **Q.** And then you would pay Mr. Bailey \$1500?

23 **A.** Yes.

24 **Q.** In cash?

25 **A.** Yes.

1 **Q.** How did that launder his money? He gave you cash, and you
2 gave him back more cash?

3 **A.** I mean, I'm flipping the money. I wasn't -- I never used
4 the word "laundering." You did.

5 **Q.** Oh, I thought that that was -- that that was what you said
6 earlier.

7 **A.** I just said I flipped his money.

8 **Q.** So you didn't actually launder money for him?

9 **A.** I mean, the terminology is on you.

10 **Q.** Okay.

11 **A.** I made the flip.

12 **Q.** Okay.

13 **A.** I gave him back more money than what he gave me.

14 **Q.** I understand. Okay.

15 Now, you also testified about a scam, an insurance scam,
16 where you would get FR-19s, proof of insurance forms?

17 **A.** Correct.

18 **Q.** And you would buy them cheap and sell them for more?

19 **A.** Yes.

20 **Q.** And what that is, it's a -- you would sell that to people
21 who couldn't get car insurance; correct?

22 **A.** Not couldn't get car insurance; had a lapse of insurance.

23 **Q.** I see.

24 **A.** Yes.

25 **Q.** Oh, I understand. Okay.

1 And you would use Mr. Bailey's money to do that and give
2 him back some of the proceeds from that.

3 **A.** Yes, I have used his money for that.

4 **Q.** Okay. Now, you've been cooperating in this case for some
5 time, haven't you?

6 **A.** Yes.

7 **Q.** You've been meeting with prosecutors and agents for some
8 time?

9 **A.** Yes.

10 **Q.** Several years?

11 **A.** Now, yes.

12 **Q.** And you've met with them multiple times.

13 **A.** Yes.

14 **Q.** And on each of those times, you've talked about all the
15 stuff you've talked about today; right?

16 **A.** For the most part, yes.

17 **Q.** You've talked about the casinos?

18 **A.** Yes.

19 **Q.** You talked about the car sales that you also flipped money
20 through?

21 **A.** Yes.

22 **Q.** You never mentioned the insurance scam, did you?

23 **A.** No. I did.

24 **Q.** You did? When?

25 **A.** Some time ago.

1 **Q.** Who was there?

2 **A.** The agents and the prosecutor.

3 **Q.** Did they write it down anywhere?

4 **A.** I can't tell you what they wrote. I -- I don't have --
5 I'm not privy to that information.

6 **Q.** Okay. So if it's not in the materials that we were given,
7 it's just a mistake?

8 **A.** It's a mistake, correct.

9 **Q.** Okay. All right. Now, you've also talked earlier about
10 James Edwards or Bangout; right?

11 **A.** Yes.

12 **Q.** And you mentioned an incident where he was sanctioned.

13 **A.** Yes.

14 **Q.** And by that you meant beat -- beaten?

15 **A.** Yes.

16 **Q.** Okay. And you said that -- I believe you said that Easy,
17 Nick, and Melvin were involved?

18 **A.** To my knowledge, yes.

19 **Q.** Not Mr. Bailey?

20 **A.** I don't remember.

21 **Q.** Okay. And what was he sanctioned for?

22 **A.** I don't know the exacts of it. That was their business.
23 But to my knowledge, it was kind of over discrepancies.

24 **Q.** And --

25 **MR. ENZINNA:** Your Honor, may I have the Court's

1 indulgence?

2 **BY MR. ENZINNA:**

3 Q. You knew Jay Greer as Slick; right?

4 A. Champagne.

5 Q. I'm sorry?

6 A. Champagne.

7 Q. Champagne?

8 A. Yes.

9 Q. Okay. Did you know Nutty B?

10 A. Yes.

11 Q. Brian Johnson?

12 A. I don't know his real name.

13 Q. You don't know. Okay.

14 You told police that Fish killed him; right?

15 A. That's what I was told.

16 Q. And he was shot prior to being killed; right? There was a
17 previous shooting incident; right?

18 A. I have no idea.

19 Q. You don't? You didn't tell police that when he was shot,
20 Dante Bailey was angry about it?

21 A. No, sir, not to my knowledge. I don't really recall.

22 It's . . .

23 **MR. ENZINNA:** No further questions, Your Honor.

24 Thank you.

25 Thank you, Mr. Hankins.

1 **THE WITNESS:** You're welcome.

2 **THE COURT:** Thank you.

3 Mr. Sardelli.

4 CROSS-EXAMINATION

5 **BY MR. SARDELLI:**

6 **Q.** Good afternoon, sir.

7 **A.** Good afternoon.

8 **Q.** So focusing back on your testimony earlier today, I
9 believe you said at some point my client, Mr. Banks, and
10 Mr. Bailey gave you \$12,000 to go to the casino. And you were
11 going to flip it and bring back 18,000; am I correct?

12 **A.** He didn't know exactly what he was giving me the money
13 for. He just gave me the money to flip, yes.

14 **Q.** But that was your intent, to take it to the casino?

15 **A.** That was one of the ways, yes.

16 **Q.** Play blackjack and then flip it and bring back 18,000;
17 correct?

18 **A.** Yes.

19 **Q.** All right. And that was probably back in -- would you
20 estimate that was back in 2014?

21 **A.** Somewhere along there. Along this way, I was -- I was
22 locked up for a little while. So it was one of those years
23 that I was out --

24 **Q.** Okay.

25 **A.** -- between '13 and '15.

1 **Q.** In fact, you mentioned previously you met with agents
2 before in this case; correct?

3 **A.** Yes.

4 **Q.** Okay. And you met with agents back on August 24th of
5 2016, and do you remember telling them that that would have
6 occurred on about December 18th of 2014?

7 **A.** I don't remember exactly what I said, but if -- if that's
8 what I said, yes.

9 **Q.** Okay. And you were going to take that money, flip it
10 playing blackjack, and bring them back a profit, necessarily.
11 They would give you -- loan you the 12,000. You would bring
12 them back a profit of 18,000; correct?

13 **A.** I didn't tell -- again, I didn't tell 'em exactly how I
14 was doing it. And the way I would break it down, in order to
15 guarantee that I hand them their money, because I'm not going
16 to play with them, 'cause then you be -- I'll put myself in a
17 war over money that wasn't mine.

18 **Q.** Okay.

19 **A.** So I would take an allotted amount to the casino. If that
20 worked out, fine; if it didn't, I always had the FR-19
21 insurance stuff to fall back on.

22 **Q.** Okay. But your intent was to take the 12,000, hopefully
23 win, and then bring them back the 18,000; correct?

24 **A.** Correct.

25 **Q.** All right. And you mentioned previously on cross that

1 you're a good blackjack player. You don't want to give away
2 your secret but that you win money at blackjack?

3 **A.** Yes.

4 **Q.** All right. In fact, in 2013, isn't it true that
5 Maryland Live! Casino, that you lost money over the year in
6 2013?

7 **A.** I mean, based on what they could calculate -- all they can
8 see is what you put in, and they don't measure every time you
9 cash out. There's ways around that. So per what they saw, it
10 may have said loss.

11 **Q.** Did you have a player's card?

12 **A.** Yes.

13 **Q.** Okay. Have you seen a copy -- let's move to 2014, the day
14 this -- or the year this approximately happened. Are you aware
15 that you lost money, according to your player's club card, in
16 2014?

17 **A.** That's what the prosecutor told me, yes.

18 **Q.** Okay. Have you seen a copy of your yearly gaming activity
19 from Maryland Live! Casino in 2014? Were you shown a copy of
20 that?

21 **A.** Yeah. The prosecutor showed it to me.

22 **Q.** Okay. And isn't it true that you lost \$25,000 in 2014,
23 according to your player's card?

24 **A.** According to the player's card, yes.

25 **Q.** Okay. And, in fact, on about December 18th, 2014, when

1 you said you were flipping this 12,000 to 18,000, you actually
2 won that day. You won \$93 that day. Are you aware of that?

3 **A.** You said \$93?

4 **Q.** \$93.

5 **A.** If that's what it says. That's only -- again, the way the
6 casino works --

7 **Q.** I'm asking whether [sic] your player's card, sir.

8 **A.** I can't attest to what they -- how they do it.

9 **Q.** Okay.

10 **A.** All I can attest to --

11 **Q.** Would it refresh your recollection if I showed you a copy
12 of this?

13 **A.** No. It wouldn't even matter.

14 **Q.** It wouldn't even matter?

15 **A.** No.

16 **Q.** Okay. So you agree that in 2014, according to your
17 player's club card in Maryland Live! Casino, you lost \$25,000
18 in 2014; correct?

19 **A.** No.

20 **Q.** You don't think that's accurate as your player's club
21 card?

22 **A.** No. Would you like me to explain?

23 **Q.** Well, I'm asking you about your player's club card. Is
24 that accurate or not?

25 **A.** It -- on paper, possibly.

Q. Okay. And, actually, on December 18th, the day you think you were going to flip the 12,000 to 18,000, you only made \$93 that day, according to your player's club card.

THE COURT: According to what you're telling him, that's what the player's club card says.

MR. SARDELLI: The player's club card, yes.

THE WITNESS: Okay.

BY MR. SARDELLI:

Q. Do you agree with that?

A. No.

Q. So if this account says you made \$93 that day, that accounting from Maryland Live! Casino must be wrong and you must be correct.

A. Correct.

MR. SARDELLI: No further questions, Your Honor.

THE COURT: All right. Mr. Trainor, did you wish to ask any questions?

MR. TRAINOR: No questions.

MS. AMATO: I have a few, Your Honor. Thank you.

THE COURT: All right.

CROSS-EXAMINATION

BY MS. AMATO:

Q. Good afternoon, Mr. Hankins.

A. Good afternoon.

Q. My name is Elita Amato, and I represent Mr. Anderson, who

HANKINS - CROSS

1 you've identified as Bo.

2 **A.** Okay.

3 **Q.** All right. You were asked on direct examination whether
4 you knew that Mr. Anderson carried a gun.

5 **A.** Yes.

6 **Q.** Or whether you had ever seen him, anything like that with
7 a gun; correct? Remember that?

8 **A.** Yes.

9 **Q.** All right. And you told us that one time you believed
10 that you saw him with a gun.

11 **A.** Correct.

12 **Q.** All right. Now, you weren't -- you didn't remember where
13 you saw him, correct, with a gun?

14 **A.** Correct.

15 **Q.** All right. You said it was either one place or another
16 place; correct?

17 **A.** Correct.

18 **Q.** You don't know when that was?

19 **A.** Correct.

20 **Q.** And to be fair, you never really saw the gun, did you?

21 **A.** No. I saw the gun.

22 **Q.** Oh, you did see it?

23 **A.** Yes.

24 **Q.** Oh, I see. Okay.

25 And, again, you don't know when this was?

1 **A.** It's been a long time. I mean, we're talking about before
2 I was locked up. And I don't know about your memory, but I got
3 six kids. It's --

4 **Q.** So, I mean, memories kind of get --

5 **A.** Over time, yes.

6 **Q.** -- right, blurred?

7 **A.** Yes.

8 **Q.** About what people do, who the person is?

9 **A.** Not that blurred.

10 **Q.** Oh, not that blurred.

11 **A.** Just enough to forget minor details.

12 **Q.** Okay. All right. And you were also asked about --

13 something about Gutta took a loss waiting for Bo to get back
14 straight, something like that; right?

15 **A.** Yes.

16 **Q.** Okay. And that was a conversation -- or that was
17 information that you obtained from Gutta?

18 **A.** Yes.

19 **Q.** Okay. From Mr. Bailey?

20 **A.** Yes.

21 **Q.** All right. So you never spoke with Mr. Anderson about
22 that?

23 **A.** Correct.

24 **Q.** All right. And so you don't have any knowledge --
25 personal knowledge as to Mr. Anderson, what he knew about it or

1 didn't know; correct?

2 **A.** Correct.

3 **Q.** All right. You don't know what he may have been told or
4 not told?

5 **A.** Correct.

6 **Q.** All right. And you also mentioned about a conversation
7 with a person named S-Dot.

8 **A.** Yes.

9 **Q.** Pertaining to a loss of money.

10 **A.** Yes.

11 **Q.** All right. And that it was S-Dot that called you and said
12 something about Mr. Anderson had lost some money, correct -- or
13 money had been taken that belonged to him by police; correct?

14 **A.** Yes.

15 **Q.** It had been seized?

16 **A.** Yes.

17 **Q.** About \$80,000?

18 **A.** Yes.

19 **Q.** All right. And, again, you never spoke to Mr. Anderson
20 about that; correct?

21 **A.** Correct.

22 **Q.** All right. But S-Dot called you, and he was asking for
23 some kind of help from you to get the money back; correct?

24 **A.** Correct.

25 **Q.** All right. But ultimately, Mr. Anderson never needed your

1 help for that, did he?

2 **A.** I have no idea.

3 **Q.** Okay. Well, he never came to you and said, Help me out;
4 right?

5 **A.** Right.

6 **Q.** Okay. And so you never even know: Did he get the money;
7 he didn't get the money. You have no idea?

8 **A.** I have no idea.

9 **Q.** All right. You were asked just briefly about your casino
10 wins, and you had mentioned that the records from
11 Maryland Live! don't give the full picture of your win --
12 winnings; correct?

13 **A.** That's correct.

14 **Q.** Because Maryland Live! records only have information about
15 your winnings when you use your player's card; right?

16 **A.** Correct.

17 **Q.** Okay. So when you're in there and you're not using your
18 player's card, you can be winning money and it's not -- there's
19 going to be no record of it?

20 **A.** Exactly.

21 **Q.** Okay.

22 **MS. AMATO:** Court's indulgence.

23 That's all I have, Your Honor.

24 Thank you.

25 **THE COURT:** All right. Thank you.

1 Mr. Hazlehurst?

2 **MR. HAZLEHURST:** No questions, Your Honor.

3 Thank you.

4 **THE COURT:** Okay. Mr. Davis?

5 **MR. DAVIS:** No questions, Your Honor.

6 Thank you.

7 **THE COURT:** Any redirect?

8 **MS. PERRY:** Very briefly, Your Honor.

9 REDIRECT EXAMINATION

10 **BY MS. PERRY:**

11 **Q.** Mr. Hankins, I believe you testified that you were not a
12 member of the mobsters; is that right?

13 **A.** Correct.

14 **Q.** And so do you know the ins and outs of the mobsters' rank
15 structure?

16 **A.** No.

17 **Q.** And do you know for sure who was in or who was out of the
18 mobsters?

19 **A.** Only who I'm told about.

20 **Q.** I want to talk just for a second about these casino
21 records.

22 You told us, I believe, on direct examination that you
23 gambled frequently.

24 **A.** Yes.

25 **Q.** Did you sometimes win money?

1 **A.** Yes.

2 **Q.** Did you sometimes lose money?

3 **A.** Yes.

4 **Q.** And do you remember how much money you won or lost on the
5 specific dates that were mentioned?

6 **A.** No.

7 **Q.** And do you remember what specific date you were provided
8 that \$12,000?

9 **A.** No.

10 **Q.** And so is it possible that it wasn't December 18th of
11 2014?

12 **A.** Yes.

13 **MS. PERRY:** Nothing further.

14 Thank you.

15 **THE COURT:** All right. Thank you. The witness is
16 excused.

17 (Witness excused.)

18 **THE COURT:** Can I see counsel just briefly on the
19 schedule.

20 (Bench conference on the record:

21 **THE COURT:** I just didn't know your next witness,
22 long, short, if we should break a little early.

23 **MS. HOFFMAN:** Yes, we can break now. Our next witness
24 will probably be about an hour, I think.

25 **THE COURT:** Okay. I was just trying to figure out --

1 you have a witness that will be about an hour?

2 **MS. HOFFMAN:** Yeah. I think it's fine to break now,
3 if you'd like to break early.

4 **MS. AMATO:** Who is the witness?

5 **MR. HAZLEHURST:** Is it Wilson?

6 **MS. HOFFMAN:** Yes.

7 **MR. HAZLEHURST:** Okay.

8 **MS. HOFFMAN:** Wilson will be, I think, about an hour,
9 including cross.

10 **MR. HAZLEHURST:** And, Your Honor, that does raise --
11 are you going to play the call from --

12 **MS. HOFFMAN:** And there's also -- yes. Thank you.

13 There's also a call that Mr. Hazlehurst moved to
14 exclude in his motion in limine that I don't think Your Honor
15 has fully addressed. This is the shoulder strap call.

16 **MR. HAZLEHURST:** Your Honor, I'm going to -- I think
17 we've sort of talked about that in regard to another issue, and
18 I think I know what the Court's ruling is going to be.

19 So I'm going to submit on the papers and argue -- that
20 actually has to be argued maybe another day, be incorporated as
21 to this issue. I'd ask for a continuing objection about it.

22 But, again, I will submit.

23 The one thing I will note, Your Honor, that there
24 is -- the call basically is discussion of Mr. Davis supposedly
25 wearing or basically going around with a shoulder strap which

1 has been interpreted to be a long gun.

2 Immediately after that statement, there is -- the
3 person who made the statement goes, No, no, no. Basically, I'm
4 kidding you. He's not doing that.

5 So there is sort of a retraction of that.

6 So the only thing I'm asking is that the full
7 recording be played under 106.

8 **THE COURT:** Yes.

9 **MS. HOFFMAN:** Yes. That's in there, yes. Yes.

10 **MR. HAZLEHURST:** Your Honor, I think that's fine.

11 **THE COURT:** Okay. Well, I do think it's admissible,
12 but certainly the second part should be played as well.

13 We'll take the break now.

14 **MR. HAZLEHURST:** Thank you, Your Honor.)

15 (Bench conference concluded.)

16 **THE COURT:** Now, ladies and gentlemen, this seems like
17 a good opportunity for the mid-afternoon break. We do have
18 another witness that will be called immediately after that, so
19 I'm going to start by excusing the jury.

20 (Jury left the courtroom at 3:14 p.m.)

21 **THE COURT:** All right. And we'll excuse the gallery.

22 Okay. We'll take our afternoon recess.

23 (Recess taken.)

24 **THE COURT:** We're ready for the next witness.

25 **MS. AMATO:** Your Honor, I just wanted to say one

1 thing; and that is that the Government, I know, has a lot of
2 evidence. But I would ask that in the future that they not
3 have guns and rifles laying around until the evidence has been
4 introduced.

5 I mean, because basically the evidence is right by the
6 jury. And so the jury -- there had been a rifle and a gun that
7 were on the table sitting throughout this other witness, and it
8 had nothing to do with this witness.

9 So I would just ask that those things be -- the
10 Government be more careful about where they're putting these
11 things before they're introduced into evidence.

12 **MS. HOFFMAN:** We are going to be introducing them
13 through this witness. And, I mean, we certainly didn't
14 intentionally put irrelevant evidence up on the table. But
15 because he's the very next witness, we sometimes have to get
16 the next evidence up on tap so we keep track of it.

17 **THE COURT:** All right. Let's get the jury.

18 And is there any reason that we need to get the
19 witness first?

20 **MS. HOFFMAN:** No.

21 **THE COURT:** Okay.

22 (Jury entered the courtroom at 3:37 p.m.)

23 **THE COURT:** Does the Government have another witness?

24 **MS. HOFFMAN:** The Government calls Philip Wilson.

25 **THE CLERK:** Please raise your right hand.

1 DETECTIVE PHILIP WILSON, GOVERNMENT'S WITNESS, SWORN.

2 **THE CLERK:** Please be seated.

3 Please speak directly into the microphone.

4 State and spell your full name for the record, please.

5 **THE WITNESS:** Yes. My full name, Philip Wilson. It's
6 P-H-I-L-I-P; last name, Wilson, W-I-L-S-O-N.

7 **THE CLERK:** Thank you.

8 DIRECT EXAMINATION

9 **BY MS. HOFFMAN:**

10 **Q.** Good afternoon, Detective Wilson.

11 **A.** Good afternoon.

12 **Q.** With which law enforcement agency are you employed?

13 **A.** Yes. I'm currently employed at the Baltimore County
14 Police Department.

15 **Q.** And can you tell us your unit and title.

16 **A.** Yes. My unit that I currently work is the -- it's called
17 the special enforcement team, which works out of the
18 vice/narcotics section in Baltimore County.

19 **Q.** How long have you been with the Baltimore County Police
20 Department?

21 **A.** August the 7th of this year will be my 12th year with the
22 department.

23 **Q.** And as of April of 2016, what was your unit and title?

24 **A.** My unit title at that time was the community action team
25 that works out of the Woodlawn District within

1 Baltimore County.

2 **Q.** Do you have experience conducting drug-trafficking
3 investigations?

4 **A.** Yes, ma'am.

5 **Q.** And do you have experience making arrests for violations
6 of drug-trafficking laws?

7 **A.** Yes, ma'am.

8 **Q.** Do you have experience assisting with search warrants in
9 which narcotics have been seized?

10 **A.** Yes, ma'am.

11 **Q.** I want to direct your attention to April 26th of 2016 at
12 approximately 2:30 in the afternoon. Did you make a traffic
13 stop at around that time?

14 **A.** Yes, ma'am.

15 **Q.** And can you tell us where you were and what you were doing
16 at the time of the traffic stop.

17 **A.** Yes. During the time of the traffic stop, I was
18 conducting stationary radar at the Security Boulevard corridor
19 area near Robert Myers Boulevard.

20 **MS. HOFFMAN:** And I want to pull up
21 Government's Exhibit MAP-13.

22 **BY MS. HOFFMAN:**

23 **Q.** Do you recognize this image?

24 **A.** Yes, ma'am. That's an actual photo of the
25 Security Boulevard corridor I was functioning stationary radar

1 at the time.

2 Q. And do you see the little, red pin right here
3 (indicating)?

4 A. Yes, ma'am.

5 Q. And is that roughly where you were when you conducted the
6 traffic stop?

7 A. That's correct.

8 Q. Can you tell us what you observed.

9 A. Yes, ma'am. So at the time I was conducting the
10 stationary radar in that area. I was -- I'm actually certified
11 in conducting radar stops. I've been certified since 2010.

12 While I was conducting the radar on Security Boulevard, I
13 observed a white-in-color Hyundai sedan traveling at a high
14 rate of speed on Security Boulevard.

15 During the radar test, it showed that the vehicle was
16 traveling at 55 miles per hour in a 35-miles-an-hour zone.

17 Q. And did you pull the vehicle over?

18 A. Yes, ma'am.

19 Q. Were you able to identify the occupants of the vehicle?

20 A. Yes, ma'am.

21 Q. And who did you identify?

22 A. After the traffic stop was conducted on Security Boulevard
23 near Gwynn Oak Avenue, I approached the vehicle. There was two
24 occupants in the vehicle at that time.

25 It was -- the driver was identified as Shakeen Davis by

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1 his Maryland license that he provided to me. And later on the
2 passenger was identified as -- I remember his first name is
3 Eddie. I don't recall his last name at this time. It should
4 be in the report.

5 **Q.** Now, you mentioned that the driver was Shakeen Davis. Do
6 you see Mr. Davis in the courtroom today?

7 **A.** Yes, ma'am.

8 **Q.** And can you point him out, for the record.

9 **A.** Yes. He's the defendant straight to -- directly in front
10 of me in that blue-and-white jacket.

11 **Q.** Had you seen Shakeen Davis prior to that day that you
12 pulled him over?

13 **A.** Yes.

14 **Q.** And where had you seen him?

15 **A.** I seen Shakeen, Mr. Davis, at a BP gas station, which
16 is -- from where the traffic stop that I conducted, it's maybe
17 less than a half a mile down the street. It's directly located
18 on Forest Park Avenue and Windsor Mill, right at the
19 intersection.

20 **Q.** And turning your attention back to
21 Government's Exhibit MAP-13 -- it may be a little blurry, but
22 do you see -- can you make out the intersection of
23 Windsor Mill --

24 **A.** (Indicating.)

25 **Q.** Oh, looks like you just pointed to it.

1 Is the BP gas station that you're referring to in that
2 area?

3 **A.** Yes, that's correct.

4 **Q.** Did you notice anything unusual when you approached the
5 vehicle?

6 **A.** Yes, ma'am, through my training, knowledge, and
7 experience, I noticed a strong odor of marijuana, THC, coming
8 from inside the vehicle.

9 **Q.** And what did you do then?

10 **A.** I -- I first asked for the driver's license and the
11 identification card for the passenger.

12 As I walked back to my patrol vehicle to run the
13 individual's driver's license through our database, I requested
14 backup.

15 **Q.** And did backup eventually come?

16 **A.** Yes.

17 **Q.** Did you run license checks on the occupants of the
18 vehicle?

19 **A.** Correct.

20 **Q.** And what did you find?

21 **MR. HAZLEHURST:** Your Honor, may we approach?

22 **THE COURT:** Yes.

23 (Bench conference on the record:

24 **MR. HAZLEHURST:** Your Honor, it's my understanding
25 that the officer who ran Mr. Davis' license found that he had

1 an outstanding arrest warrant. And I don't know that
2 basically -- but I think that that is certainly prejudicial.
3 I'm not sure what probative value it has at this point. So I
4 would ask that the Government not go into that area.

5 **MS. HOFFMAN:** Sure. I don't -- the only real
6 relevance is he then placed Mr. Davis under arrest. So I
7 wanted to, I guess, ask him, you know: Why did you -- because
8 he immediately placed him under arrest upon finding the
9 outstanding arrest warrant. That's part of why he searched the
10 car, but I think I can skip past it.

11 **THE COURT:** Somebody said they couldn't hear. The
12 issue is that when the license was run, the officer found that
13 Mr. Davis had an open warrant.

14 Mr. Hazlehurst didn't want that to come in.

15 The Government's saying the reason for it is just
16 explaining why he was taken into custody, but you can perhaps
17 get around that.

18 **MR. HAZLEHURST:** Your Honor, I would simply suggest,
19 Did there come a time that you arrested Mr. Davis, and we have
20 now in evidence that there was a smell of marijuana. And that
21 could be --

22 **THE COURT:** Now I can't hear you.

23 **MR. HAZLEHURST:** I would suggest that maybe asking
24 him, Did there come a time when you placed Mr. Davis under
25 arrest, and I think that in view of the fact that marijuana was

1 smelled, it gives us a good --

2 THE COURT: Marijuana; right.

3 MS. HOFFMAN: I guess that's okay. Yeah, okay.

4 THE COURT: Okay.

5 MR. HAZLEHURST: Thank you.)

6 (Bench conference concluded.)

7 BY MS. HOFFMAN:

8 Q. Detective Wilson, was Mr. Davis ultimately placed under
9 arrest?

10 A. During the traffic stop?

11 Q. Yes.

12 A. He was, but not --

13 THE COURT: Just he was at some point placed under
14 arrest.

15 THE WITNESS: At some point and during the traffic
16 stop, he was placed under arrest.

17 BY MS. HOFFMAN:

18 Q. And did -- was a search of the vehicle conducted?

19 A. Yes, ma'am.

20 Q. And what, if anything, did you find inside the vehicle?

21 A. During the -- after my backup arrived on-scene, the
22 passenger was asked to exit the vehicle. A search of the
23 vehicle, in the center console I recovered a black-in-color
24 .22 model .40-caliber style Glock handgun.

25 Q. And was there anything recovered from the trunk of the

1 vehicle?

2 **A.** Yes, ma'am.

3 **Q.** What was recovered from the trunk?

4 **A.** My backup, who actually searched the trunk of the vehicle,
5 recovered an AR-style, black-in-color rifle.

6 **Q.** I'm going to approach and show you

7 Government's Exhibit F-17.

8 **A.** Okay.

9 **Q.** (Handing.)

10 Can you tell us what we're looking at there or what you're
11 looking at there.

12 **A.** Yes, ma'am. That's the black handgun I recovered from the
13 vehicle.

14 **Q.** And are you able to -- well, first, let me pull up
15 Government's Exhibit F-17-A.

16 Do you recognize this image here?

17 **A.** Yes, ma'am.

18 **Q.** What is this an image of?

19 **A.** That's the handgun that I recovered from the vehicle.

20 **Q.** Are you able to read the serial number on the gun, by any
21 chance? Maybe not on the photo, but on the actual gun?

22 **A.** Yes, ma'am.

23 **Q.** Can you read it for us.

24 **A.** Yes. It's HHC901.

25 **Q.** Now, you mentioned that your fellow officer -- and what

1 was your backup officer's name?

2 **A.** Officer Crump.

3 **Q.** You mentioned that Officer Crump recovered an AR-style gun
4 from the trunk of the vehicle.

5 I'm going to approach and show you

6 Government's Exhibit F-16.

7 (Handing.)

8 Do you recognize that exhibit?

9 **A.** Yes, ma'am.

10 **Q.** And what is that?

11 **A.** That's the AR-style, 15 rifle that was recovered from the
12 trunk of the vehicle.

13 **Q.** I'm going to pull up Government's Exhibit F-16-A.

14 Sorry. Let me try that one more time.

15 What are we looking at in this image?

16 **A.** That's the same AR-style, 15 handgun -- I mean rifle that
17 was found in the trunk of the vehicle.

18 **Q.** And I'm going to ask you to do the same thing, if you
19 don't mind. Can you find and read the serial number on the
20 AR-15 in front of you.

21 **A.** Yes, ma'am. I'll read it off. F071734.

22 **Q.** Thank you.

23 Now, you mentioned that the AR-15 was recovered from the
24 trunk of the vehicle. Was there anything else recovered from
25 the trunk of the vehicle?

1 **A.** Yes, ma'am. It was a black digital scale, small
2 digital scale; "isotol," which was in a small bottle, a white
3 bottle; and a black ski mask.

4 **Q.** Now, I'm going to show you Government's Exhibit AP-5.
5 Do you recognize this image here?

6 **A.** Yes, ma'am.

7 **Q.** And what are we looking at here?

8 **A.** Those are the items that were recovered, along with the
9 rifle in the trunk of the vehicle.

10 **Q.** Why did you recover -- why did you seize the scale and the
11 inositol?

12 **A.** Well, through my training, knowledge, and experience, I
13 know --

14 **MR. HAZLEHURST:** Objection; foundation, Your Honor.
15 She simply asked the question as to whether he has training.
16 She hasn't established what that training is.

17 **THE COURT:** I thought she did at the beginning.

18 But if you'd like to repeat.

19 **MS. HOFFMAN:** Sure.

20 **BY MS. HOFFMAN:**

21 **Q.** You've been employed by the Baltimore County Police
22 Department for 11 years; is that right?

23 **A.** 11 years, going on 12 years.

24 **Q.** And do you have experience conducting drug-trafficking
25 investigations?

1 **A.** Yes, ma'am.

2 **Q.** And do you have experience making arrests for violations
3 of drug-trafficking laws?

4 **A.** Yes, ma'am.

5 **Q.** And do you have experience executing or assisting in the
6 execution of search warrants in which drugs have been seized?

7 **A.** Yes, ma'am.

8 **Q.** And through that experience, have you become familiar with
9 the way that drugs are packaged and sold?

10 **A.** Yes, ma'am.

11 **Q.** Have you become familiar with the way that drugs appear
12 and the way their quality can vary?

13 **A.** Yes, ma'am.

14 **Q.** And have you become familiar with street terminology for
15 drugs like heroin and cocaine?

16 **A.** Yes.

17 **Q.** Now I'd like to ask you: Why did you seize the small
18 digital scale and the bottle of inositol?

19 **A.** Well, through my training, knowledge, and experience, I
20 know drug distributors would often carry digital scales;
21 paraphernalia such as "isotol" to -- which as I know as cuttin'
22 agents for distribution of narcotics; and the digital scale is
23 to actually weigh the product, which is the actual narcotics,
24 for street-level drug sales.

25 **Q.** Were any cell phones recovered from the vehicle?

1 **A.** Yes, ma'am.

2 **Q.** What was recovered?

3 **A.** It was a total of three cell phones recovered from that
4 vehicle.

5 **Q.** And I'm going to approach and show you
6 Government's Exhibit CELL-2.

7 **THE COURT:** The agent can put them away.

8 **BY MS. HOFFMAN:**

9 **Q.** Do you recognize Government's Exhibit CELL-2?

10 **A.** It's not the actual complete of the phone, but it's -- it
11 has phone pieces inside of it, so . . .

12 **Q.** Does it have components of one of the phones that you
13 recovered?

14 **A.** Yes.

15 **Q.** And are you able -- could you -- describe, if you could,
16 what the model of the phone is there.

17 **A.** Yes. It's Alcatel OneTouch cell phone, smartphone, white
18 in color.

19 **Q.** Did you conduct a search of Shakeen Davis' person?

20 **A.** Yes, ma'am.

21 **Q.** And what, if anything, did you find on his person?

22 **A.** During the search of Shakeen Davis, I actually found a
23 small, clear baggie containing marijuana, THC, inside of it.

24 **Q.** Was Mr. Davis transported to the precinct for processing?

25 **A.** Yes, he was.

1 **Q.** And back at the precinct, was he advised of his
2 Miranda rights?

3 **A.** Yes, he was.

4 **Q.** And did he agree to answer questions?

5 **A.** Yes, ma'am.

6 **Q.** And what in substance did he tell you?

7 **A.** Well, during the interview, Mr. Davis, he acknowledged
8 that the handgun and the patrol -- I mean the AR-15 rifle was
9 in the vehicle during the traffic stop.

10 He also advised me and Detective Sohar (ph) that the
11 passenger had no knowledge of the handgun and the AR-15 rifle
12 inside the vehicle.

13 Shakeen Davis proceeded to tell us that he came across a
14 bag while traveling on I-83 towards Baltimore City where he
15 said that he hit something in the roadway. He then proceeded
16 to say that he stopped to see what did he hit. Once he was
17 outside the vehicle, he recovered the bag -- the bag containing
18 the handgun and the rifle alongside the road.

19 When Mr. Davis was asked did he made any attempts to call
20 9-1-1 for police, he said, No. He was going to sell the
21 handgun and the rifle for money.

22 **Q.** And this is what Mr. Davis told you?

23 **A.** That's correct.

24 **Q.** The handgun and the AR rifle that were recovered from the
25 vehicle, did they appear to be damaged in any way?

1 **A.** No, ma'am.

2 **Q.** The cell phones that were recovered from the vehicle, were
3 those cell phones later transferred to the Bureau of Alcohol,
4 Tobacco, Firearms & Explosives so that a search warrant could
5 be conducted on them?

6 **A.** Yes, ma'am.

7 **Q.** And I'm going to pull up Government's Exhibit CELL-2-A,
8 which has been admitted as excerpts from a certified cell phone
9 extraction report for CELL-2, which you just identified as one
10 of the cell phones recovered from the vehicle that day.

11 And now before I ask you about this, I just want to be
12 clear: Did you have any role in selecting these particular
13 excerpts?

14 **A.** No, ma'am.

15 **Q.** You just recovered the phone?

16 **A.** That's correct.

17 **Q.** All right. I'd like to start by highlighting for you the
18 device number at the top.

19 Could you read the number here for us (indicating).

20 **A.** Yes. It's (240) 713-0332.

21 **Q.** And then I'm going to ask you, can you read this contact
22 here.

23 **A.** Yes. Lilsid5200@yahoo.com.

24 **Q.** And I'm going to highlight a few more contacts here.

25 Do you see the contact Tr on the left?

1 **A.** Yes.

2 **Q.** Could you read the phone number associated with that
3 contact.

4 **A.** (443) 709-7780.

5 **Q.** And then do you see the contacts below
6 troublem5200@iCloud.com and wolfmobb@iCloud.com?

7 **A.** Yes, ma'am.

8 **Q.** I'm going to highlight a few SMS messages for you.

9 Do you see down below there's a message sent from a
10 contact -- a contact Tay that says Shakeen?

11 **A.** Yes, ma'am.

12 **Q.** And the one just below that, do you see there's a
13 text message sent to the phone that says [reading]: Goodnight,
14 Creams. I love you more?

15 **A.** Yes, ma'am.

16 **Q.** And then do you see that there are a number of additional
17 texts down below sent to the phone in which the name Shakeen or
18 Creams are used?

19 **A.** Yes, ma'am.

20 **Q.** I'm going to ask you about some additional text messages.

21 Do you see that there's a text message here sent from a
22 contact saved as Fh?

23 **A.** Yes, ma'am.

24 **Q.** And would you mind reading that text for us.

25 **A.** Yes. [Reading]: Wanted to grab two more. Can you do

1 that for two bills.

2 **Q.** And then do you see that there's a response from the phone
3 to Fh that says [reading]: Yeah?

4 **A.** Yes, ma'am.

5 **Q.** And then can you read this third text message here from Fh
6 to the phone.

7 **A.** Yes, ma'am.

8 [Reading]: Awesome. I'm a -- I'm a grab the bread. Then
9 tell me where to go.

10 **Q.** There's a few more text messages down below from Fh to the
11 phone. Do you see these here (indicating)?

12 **A.** Yes, ma'am.

13 **Q.** Would you mind -- would you mind reading those four texts
14 there.

15 **A.** Yes. [Reading]: You got the same stuff or new?

16 The next one [reading]: You gonna text me an address?

17 [Reading]: Allendale and Gwynn Falls?

18 [Reading]: Yeah.

19 **Q.** Okay. And then could you read this text message from Fh
20 to the phone for us.

21 **A.** Yes. [Reading]: Those boys were not the same and stepped
22 on pretty hard. Just FYI.

23 **Q.** And without asking you to interpret this particular
24 text message, can you tell us, based on your 11-some years
25 conducting drug-trafficking investigations, have you become

1 familiar with the term --

2 **MR. HAZLEHURST:** Objection. I'm not sure that's what
3 his testimony was, Your Honor.

4 **THE COURT:** Sustained.

5 **BY MS. HOFFMAN:**

6 **Q.** Based on your experience conducting drug-trafficking
7 investigations, have you become familiar with the term "boy" in
8 the context of drug trafficking?

9 **A.** Yes, ma'am.

10 **Q.** And what does "boy" refer to?

11 **A.** I -- through my training, knowledge, and experience, I
12 know that "boy" is a street term used by -- by drug dealers
13 known to be heroin, described -- to call heroin.

14 **Q.** And same question for the term "stepped on." Have you
15 become familiar with the term "stepped on" based on your
16 experience conducting drug-trafficking investigations?

17 **A.** Yes, ma'am. That --

18 **Q.** And what does "stepped on" refer to?

19 **A.** That is also used -- is a street term. Drug dealers would
20 often get the raw quality of heroin, and they will use cutting
21 agents, such as "isotol" and other cutting agents, to break
22 down the product so they can make a profit off of it. They
23 would often use this and break it down for street-level drug
24 sales.

25 **Q.** And now I just want to -- do you see the text message

1 below from the phone to Fh that says [reading]: Okay. Thanks
2 for lettin' me know. I have something different, too. I'll
3 give you a piece.

4 **A.** Yes.

5 **Q.** Okay. Do you see that there's a couple text messages
6 exchanged with phone number (240) 702-8596 here?

7 **A.** Yes, ma'am.

8 **Q.** Would you mind reading those text messages for us.

9 **A.** Yes. [Reading]: Okay. Thanks for lettin' me know. I
10 have something different, too. I'll give you a piece.

11 Next one [reading]: I need four total divided into two
12 and two. Bud.

13 Okay.

14 **Q.** Do you see the text message here from the phone to a
15 contact described as Pete that says [reading]: I got a bomb?

16 **A.** Yes.

17 **Q.** And then down below, do you see the text message here from
18 another -- a different phone number to the phone that says
19 [reading]: I bet. Oh, yeah, by the way, that last batch was
20 just a little short. I'm not too pressed about it. Just
21 thought to let you know?

22 **A.** Yes.

23 **Q.** And what does the phone text back in reply?

24 **A.** [Reading]: Okay.

25 **Q.** Okay. And then do you see the text message down below

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1 from the same phone that says [reading]: If ya can split it as
2 one, one, and point five, appreciate it, bro?

3 **A.** Yes.

4 **Q.** Do you see the text message from a different number here
5 on March 22nd of 2016 to the phone -- or, I'm sorry, from the
6 phone to this different number that says [reading]: You still
7 needed green?

8 **A.** Yes.

9 **Q.** And then would you mind reading the text message from that
10 (301) 828-6230 number to the phone.

11 **A.** Yes. [Reading]: Yeah, but I'll be coming down tomorrow
12 morning for boy, so can I grab it at the same time? I'll def
13 want it if you can do it.

14 **Q.** And down below do you see the text message from a
15 different number to the phone that says [reading]: Good
16 morning, bruh. You available today? Also, ya got new stuff?
17 Stuff from the other day is kind of weak?

18 **A.** Yes.

19 **Q.** And do you see the reply from the phone to that number,
20 [reading]: Yeah, and I'll get you something better?

21 **A.** Yes.

22 **Q.** And do you see this text message later on from that same
23 number to the phone that says [reading]: Actually, if you
24 want, you can do three bags or all halves, whichever works best
25 for you?

1 **A.** Yes.

2 **Q.** Down below, same date, different phone number -- or phone
3 number indicated as Ann to the phone, do you see this text that
4 says [reading]: Yo, I'm 20 minute -- I'm 20 min out. I need
5 two Gs?

6 **A.** Yes.

7 **Q.** A few days later do you see this text message from a
8 different number to the phone March 28th of 2016 that says
9 [reading]: Cool. You got new stuff? The at stuff kinda
10 jelled up?

11 **A.** Yes.

12 **Q.** And then what does the phone respond to that phone number?

13 **A.** [Reading]: I have the same tan.

14 **Q.** And then do you see the text from that same phone number
15 to the phone that says [reading]: Okay. Cool. I'm in WVA
16 now, but I'll call you when I'm coming down?

17 **A.** Yes.

18 **Q.** Skipping to some text messages here from March 29th of
19 2016, do you see the text here from a number ending in 8783 to
20 the phone that says [reading]: Afternoon, bruh. You
21 available? If so, what kind do you got? I'm hoping it ain't
22 that yellow stuff. It sucked?

23 **A.** Yes.

24 **Q.** And what does the phone send back to that phone number?

25 **A.** [Reading]: I have tan stuff.

1 **Q.** And then do you see the response [reading]: Strong stuff?
2 I just gotta get my shit together, and I'll be on my way. I'll
3 hit ya up when I do?

4 **A.** Yes.

5 **Q.** Also, March 30th, 2016, different phone number, do you see
6 the text from the phone in question to this 8596 number or
7 number ending in 8596 that says [reading]: Come to BP?

8 **A.** Yes.

9 **Q.** And I believe you testified earlier that you had sometimes
10 seen Shakeen Davis at a BP gas station at the intersection of
11 Windsor Mill and Forest Park?

12 **A.** That's correct.

13 **Q.** Do you see this text message from the next day,
14 March 31st, 2016, from a phone number ending in 6230 that says
15 [reading]: Can you put it in one bag so I can clock it?

16 **A.** Yes.

17 **Q.** Skipping down below, now I want to highlight some
18 text messages from April 2nd of 2016.

19 Do you see the first text that I've just highlighted from
20 a number ending in 2985 that says [reading]: Okay. Anything
21 you want added to it?

22 **A.** Yes.

23 **Q.** And what does the phone text back?

24 **A.** [Reading]: AR-15 behind GMB.

25 **Q.** And can you read the next two text messages for us.

1 **A.** Yes. [Reading] : Okay. AR-15 is in -- a gun.

2 **Q.** Directing your attention to the next page and some
3 text messages from April 2nd of 2016, do you see the two
4 text messages sent from the number ending in 6230?

5 [Reading] : Hey, you ever get new stuff? And can I at
6 least buy 2.5? I have cash.

7 **A.** Yes.

8 **Q.** And what does the phone text back to that number?

9 **A.** [Reading] : Yeah.

10 **Q.** Page 9 of this document, do you see that there are a few
11 text messages from the phone -- well, I'm sorry. There are two
12 messages from the phone to other numbers that say [reading] :
13 Got fire?

14 **A.** Yes.

15 **Q.** And then do you see the text messages exchanged with the
16 number ending in 8596 [reading] : Need five.

17 And then [reading] : Okay?

18 **A.** Yes.

19 **Q.** And then do you see there's a question here from a
20 different phone number [reading] : Can you get any girl also?

21 **A.** Yes.

22 **Q.** Without asking you to interpret this particular
23 text message, based on your experience conducting
24 drug-trafficking investigations, have you become familiar with
25 the term "girl" in the context of drug trafficking?

WILSON - DIRECT

1 A. Yes, I have.

2 Q. And what does "girl" refer to?

3 A. "Girl" is a normal street term used to describe cocaine.

4 Q. Do you see the text down here, April 6th of 2016, from the
5 phone to a number ending in 1370 that says [reading]: No. I'm
6 at BP?

7 A. Yes.

8 Q. And then [reading]: Q rolling a blunt. LOL?

9 A. Yes.

10 Q. Do you see this text message from April 9th of 2016 from a
11 number ending in 8783 that says [reading]: Morning, bruh. You
12 gonna be available later on today in the afternoon? To be
13 honest with ya, I think that stuff from yesterday was like
14 "bottom of batch" stuff. I think it was just cut stuff?

15 A. Yes, ma'am.

16 Q. And what does the phone text back to that phone number?

17 A. [Reading]: Okay. I got brown for you.

18 Q. Directing your attention to another text from the
19 6230 number to the phone on April 9th of 2016, do you see this
20 text that says [reading]: Made it through detox. Ended up in
21 the hospital, but I'm better now. Good luck with everything,
22 and I'll send people your way if they are looking?

23 A. Yes.

24 Q. And do you see the text down here from a number ending in
25 8783 to the phone that says [reading]: Just a friendly

1 reminder. 2.5 but separated in halves?

2 **A.** Yes.

3 **Q.** I'm not going to read all these text messages, but I am
4 going to scroll through.

5 Detective Wilson, did I have you read every single
6 text message in this exhibit?

7 **MR. HAZLEHURST:** Objection.

8 **THE WITNESS:** No.

9 **MR. HAZLEHURST:** Relevance.

10 **THE COURT:** Overruled. The answer is just "no."
11 That's fine.

12 **BY MS. HOFFMAN:**

13 **Q.** After Mr. Davis' arrest, Detective Wilson, did you have an
14 occasion to review Instagram evidence of potential relevance to
15 Mr. Davis?

16 **A.** Yes.

17 **Q.** And I'm going to show you Government's Exhibit SM-10,
18 which has previously come into evidence as excerpts from
19 certified business records of Shakeen Davis' Instagram account.

20 And would you mind, first of all, just reading the
21 registered e-mail address here (indicating).

22 **A.** Yes. It says [reading]: Creams.dinero@icloud.com.

23 **Q.** Do you recognize the individual in this photo on Page 2?

24 **A.** Yes. That's Shakeen Davis.

25 **Q.** And do you see that there's a comment by user

1 Creams Dinero here?

2 **A.** Yes.

3 **Q.** Could you read the highlighted text there.

4 **A.** Yes. It says [reading]: Trapper of the year, and you
5 ain't got no money. #5200fam, #GMB.

6 **Q.** Do you recognize the individual on the left here?

7 **A.** Yes, ma'am. That's Shakeen Davis.

8 **Q.** And -- sorry. This is Page 5 of this exhibit.

9 And then do you see that at the bottom it says there's a
10 comment by user Creams Dinero?

11 **A.** Yes.

12 **Q.** And then turning to the next page of the exhibit, would
13 you mind reading the highlighted text there (indicating).

14 **A.** Yes. It says [reading]: Thuggin' since a juvenile.
15 Shawty really thought [sic] me a lot.

16 **Q.** I'm going to move to Page 14 of this document.

17 **MR. HAZLEHURST:** Excuse me, Your Honor. If the
18 Government could refer to the page number on the Instagram
19 business record because --

20 **MS. HOFFMAN:** Sure. Yes. I apologize.

21 **BY MS. HOFFMAN:**

22 **Q.** Directing your attention to Page 14, which is Page 34 of
23 the Instagram business record, do you recognize the individual
24 on the left here?

25 **A.** Yes, ma'am. That's Shakeen Davis.

1 **Q.** And then I'm going to refer you to the next page of the
2 exhibit, which is the next page of the Instagram business
3 return, Page 35.

4 And would you mind reading the text of the comment by the
5 user Creams Dinero here (indicating).

6 **A.** Yes. It says [reading]: We extra heavy. Better believe
7 it. #5200.

8 **Q.** And then I'm going to move to Page 16 of the exhibit,
9 which is Page 36 of the Instagram business record. And can you
10 read the word at the top here.

11 **A.** Yes. If I'm pronouncing it right, it says, "Omertà."

12 **Q.** And then do you see that there's the beginning of a
13 comment by user Creams Dinero down here at the bottom
14 (indicating)?

15 **A.** Yes.

16 **Q.** And I'm going to refer you to the next page, Page 17 of
17 the exhibit, which is Page 37 of the Instagram business record,
18 the next page of the Instagram business record.

19 Can you read the text of that comment by user
20 Creams Dinero.

21 **A.** Yes. It says "code."

22 **Q.** And do you recognize the person on the right in this
23 photo?

24 **A.** Yes, ma'am. That's Shakeen Davis.

25 **Q.** I'm going to move now to Page 20 of the exhibit, which is

1 Page 40 of the Instagram business return -- business record.

2 Do you recognize that individual there?

3 **A.** Yes, ma'am.

4 **Q.** Who is that?

5 **A.** I believe that's Dante Bailey.

6 **Q.** And how are you familiar with him?

7 **A.** This individual, seen him quite often at the BP gas
8 station I referred to about.

9 **Q.** And then directing you to the next page of the exhibit,
10 which is also the next page of the Instagram business return,
11 Page 41 of the Instagram business return, can you read the
12 comment attached to that photo by user Creams Dinero
13 (indicating).

14 **A.** Yes, it says [reading]: The #fam.

15 **Q.** Now I'm going to move down to Page 25 of this exhibit,
16 which is Page 45 of the Instagram business record.

17 Do you recognize the person on the left of this photo?

18 **A.** Yes, ma'am. That's Shakeen Davis.

19 **Q.** And then do you see that down at the bottom, there's the
20 beginning of a comment by user Creams Dinero?

21 **A.** Yes, ma'am.

22 **Q.** And then I'm going to go to the next page of the exhibit,
23 which is also the next page of the Instagram business record,
24 Page 46 of the Instagram business record.

25 Can you read the text of that comment by user

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1 Creams Dinero (indicating) .

2 **A.** Yes. It says [reading]: Young MOBB bosses swagged up.

3 Playin' with/that check. #5200fam. #GMB .

4 **Q.** I'm going to move now to Page 28, which is Page 69 of the
5 Instagram business record.

6 Do you see that there's the beginning of a comment by user
7 Creams Dinero from April 18th right here (indicating) ?

8 **A.** Yes, ma'am.

9 **Q.** And I'm going to go to the next page of the exhibit,
10 Page 29, which is also the next page of the Instagram business
11 record, Page 70.

12 Can you read the text of the comment beginning where I've
13 highlighted it (indicating) .

14 **A.** Yes, ma'am. It says [reading]: Get ya grams, #GGs, money
15 sign, #GiftOfGab. #GoodGrams. #GMB. Guns, money, and blow.

16 **Q.** And I am now going to direct your attention to -- do you
17 see there's another comment from user Creams Dinero here from
18 April 10th of 2016?

19 **A.** Yes, ma'am.

20 **Q.** And I just want to ask you to read just the highlighted
21 text there (indicating) .

22 **A.** Yes. It says [reading]: Beefin' with the city. I gotta
23 choppa, so who want it?

24 **Q.** Actually, can you read the hashtags right here.

25 **A.** [Reading]: #5200fam. #Omertà code.

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1 **Q.** Now, Page 30 of the exhibit, which is Page 71 of this
2 Instagram return, do you see that there's another comment from
3 March 9th of 2016 by user Creams Dinero right here
4 (indicating)?

5 **A.** Yes, ma'am.

6 **Q.** Could you read the text of that comment.

7 **A.** Yes. It says [reading]: Go against the mob, get
8 murdered.

9 **Q.** Next page of the exhibit, page -- it's Page 31 of the
10 exhibit, but it's Page 75 of the Instagram business record.

11 Do you see that there is a message from author
12 Creams Dinero here?

13 **A.** Yes, ma'am.

14 **Q.** And can you read the text of that message.

15 **A.** Yes. The phone number [reading]: (240) 713-0332.

16 **Q.** And does that number ring a bell?

17 **A.** Yes, ma'am.

18 **Q.** How does it -- how is it familiar to you?

19 **A.** This phone number was connected to the text messages
20 previous.

21 **Q.** The -- are you referring to the excerpts from the
22 cell phone that we went through a few minutes ago?

23 **A.** Correct.

24 **Q.** Now I'm going to show you Page 32 of this document which
25 is Page 88 of the Instagram business record.

1 Do you see the text by author Creams Dinero [reading] :

2 What's mobbin'?

3 **A.** Yes, ma'am.

4 **Q.** And finally, I'm going to go to Page 35 of the exhibit,
5 which is Page 1456 of the Instagram business record.

6 Who are we looking at there?

7 **A.** That's Shakeen Davis, ma'am.

8 **Q.** And can you tell where he is in that photo?

9 **A.** Yes. That parking lot is actually the BP gas station,
10 photo in the background of the BP gas station.

11 **Q.** And then directing you to the next page of the -- well, do
12 you see where it says "caption" down here at the bottom of the
13 page?

14 **A.** Yes.

15 **Q.** And then continuing to the next page, Page 36 of the
16 exhibit, which is Page 1457 of the Instagram business record,
17 can you read the text that I've highlighted right here
18 (indicating).

19 **A.** Yes. It says [reading]: Can't sleep when you got murder
20 on your mind.

21 **Q.** After the arrest of Mr. Davis, did you have occasion to
22 listen to any recorded jail calls of potential relevance to
23 this incident?

24 **A.** Yes, ma'am.

25 **MS. HOFFMAN:** And, Your Honor, do we need to approach

1 about this jail call?

2 **THE COURT:** I thought it was the issue we already
3 discussed.

4 **MS. HOFFMAN:** Okay. Thank you. I just wanted to
5 clarify.

6 **BY MS. HOFFMAN:**

7 **Q.** All right. Well, I'm going to play you Government's --
8 I'm going to play you a recording from
9 Government's Exhibit JAIL-1, which has previously been
10 introduced into evidence as a disc of recorded -- of jail
11 recordings, a disc of certified jail recordings. And
12 specifically, I'm going to play you Call J-30, and the
13 transcript is on Page 98 of the jail call tab of the
14 transcripts binder.

15 And just to be clear, before I play this, did you have any
16 role in preparing this transcript?

17 **A.** No, ma'am.

18 **Q.** All right. I am going to skip ahead to 1 minute and
19 29 seconds -- well, first, you said you didn't have any role in
20 preparing this transcript. Are you relying on someone else's
21 identification of the participants in this call and what's in
22 the transcript here?

23 **A.** Yes, ma'am.

24 **Q.** Can you just read for the record who the participants are
25 and the date of the call (indicating).

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1 **A.** Yes. It says [reading]: Inmate, Williams Jones.

2 Inmate ID, 2739775. Dialed number, (410) 762-9166,

3 Melvin Lashley. The date, August 28th, 2015. The time,

4 18:49 hours.

5 **Q.** Thank you.

6 And I'm going to skip to 1 minute and 29 seconds.

7 (Audio was played but not reported.)

8 **BY MS. HOFFMAN:**

9 **Q.** And I'm going to pause it there.

10 Do you recall reading the user name of the Instagram
11 excerpts we just went through as Creams Dinero?

12 **A.** Yes, ma'am.

13 **Q.** And I'm going to put Government's Exhibit F-16-A back up
14 on the screen.

15 Did the AR-15 that was recovered from Shakeen Davis'
16 vehicle have a shoulder strap?

17 **A.** Yes, ma'am.

18 **MS. HOFFMAN:** No further questions.

19 **THE COURT:** All right. Thank you.

20 Mr. Hazlehurst.

21 **MR. HAZLEHURST:** Thank you, Your Honor.

22 CROSS-EXAMINATION

23 **BY MR. HAZLEHURST:**

24 **Q.** Good afternoon.

25 **A.** Good afternoon, sir.

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1 **Q.** I'm Paul Hazlehurst. I represent Shakeen Davis
2 (indicating).
3

4 **A.** Okay.
5

6 **Q.** Now, the Government started by asking you about something
7 that occurred on April 26th of 2016; correct?
8

9 **A.** That's correct.
10

11 **Q.** Okay. And you are a Baltimore County police officer; is
12 that right?
13

14 **A.** That's correct.
15

16 **Q.** And you were a Baltimore County police officer then;
17 correct?
18

19 **A.** Correct.
20

21 **Q.** And the Government at one point referred to you during its
22 examination as detective, but you are not a detective; is that
23 correct?
24

25 **A.** I'm currently a detective.
1

2 **Q.** But you weren't on the day that this occurred, were you?
3

4 **A.** No.
5

6 **Q.** Okay. So today you're dressed in a coat and tie, and
7 that's what you normally wear to work these days, I assume;
8 correct?
9

10 **A.** No. I'm actually a street detective, so I'm actually in
11 plainclothes a lot.
12

13 **Q.** So not nice streets. You're in places where you wouldn't
14 be wearing a coat and tie, I assume?
15

WILSON - CROSS

1 **A.** Correct.

2 **Q.** These are your Court clothes, if you will?

3 **A.** That's correct.

4 **Q.** All right. But on that date in April of 2016, you were in
5 a police uniform; correct?

6 **A.** Correct.

7 **Q.** Okay. And you said you were working stationary radar;
8 right?

9 **A.** Correct.

10 **Q.** And that means you were parked using a radar device;
11 correct?

12 **A.** Correct.

13 **Q.** All right. You're the thing every driver fears coming
14 over the rise when you're going too fast; right?

15 **A.** I wouldn't say fear, but . . .

16 **Q.** Maybe I speak for myself.

17 **A.** Okay.

18 **Q.** And you're on Security Boulevard; correct?

19 **A.** That's correct.

20 **Q.** And you are wearing a uniform. You're observing cars
21 approaching; correct?

22 **A.** That's correct.

23 **Q.** Using the radar device, you see a car approaching. It's a
24 white Hyundai?

25 **A.** That's correct.

1 **Q.** 35-mile-per-hour zone; right?

2 **A.** That's correct.

3 **Q.** And you see that Hyundai and it's going, based on your
4 radar device, going 55 miles per hour; correct?

5 **A.** That's correct.

6 **Q.** And at that point you step out in the road. Are you
7 actually physically out of your car at that point?

8 **A.** I'm actually in my car.

9 **Q.** Okay. Did you step out and stop the car?

10 **A.** I stopped the car with my patrol vehicle, yes.

11 **Q.** So the car passed you, and you followed the car, pulled it
12 over?

13 **A.** That's correct.

14 **Q.** And at that point the car didn't try to flee. The person
15 who's driving the car didn't try and get away; correct?

16 **A.** No.

17 **Q.** Pulled over, saw your emergency lights, I assume?

18 **A.** Yes. Emergency equipment lights was functioning and
19 working.

20 **Q.** You got out of your car, approached that vehicle?

21 **A.** Yes.

22 **Q.** Again, no attempt to flee at that point; correct?

23 **A.** No, sir.

24 **Q.** Okay. And you obtained a driver's license for the person
25 you have ultimately identified as Shakeen Davis (indicating);

1 right?

2 **A.** Yes.

3 **Q.** And there came a point where you searched the car;
4 correct?

5 **A.** Yes.

6 **Q.** Okay. And when you searched the car, you found a handgun
7 in the console of that car; correct?

8 **A.** Yes.

9 **Q.** Okay. And you also said you found a -- or actually your
10 partner found, if I'm not mistaken, found a rifle; correct?

11 **A.** That's correct.

12 **Q.** Now, you've seen the rifle in court today; correct?

13 **A.** Yes.

14 **Q.** And that rifle is not the way that was found in the trunk,
15 was it?

16 **A.** It was in a bag.

17 **Q.** It was in a bag. A zippered bag?

18 **A.** It was some type of book bag.

19 **Q.** That was -- basically, it wasn't open in the trunk;
20 correct?

21 **A.** No.

22 **Q.** Okay. You also said you recovered some cell phones;
23 correct?

24 **A.** That's correct.

25 **Q.** Now, also, you wrote a report in this case; correct?

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1 **A.** That's correct.

2 **Q.** You also wrote a statement of charges, because ultimately
3 Mr. Davis was charged in state court; correct?

4 **A.** That's correct.

5 **Q.** Now, when you write -- first of all, a statement of
6 charges, it is prepared under oath; that's correct?

7 **A.** It's prepared by me; that's correct.

8 **Q.** It's prepared under oath by you.

9 **A.** That's the facts by me, yes.

10 **Q.** Right. And when you prepare a statement of
11 probable cause, it is under oath; correct?

12 **A.** That's correct.

13 **Q.** Okay. And so you make sure that you're complete when you
14 make out that statement of charges?

15 **A.** Correct.

16 **Q.** You're accurate?

17 **A.** Yes. You have to be accurate.

18 **Q.** And obviously if it's under oath, you've got to be
19 truthful; correct?

20 **A.** Yes.

21 **Q.** All right. Now, you wouldn't differ in those standards
22 when you prepare a report, would you?

23 **A.** No. The facts, what I wrote in the statement of charges,
24 will also be in the original report.

25 **Q.** Okay. Now, I'm going to show you what has been marked as

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1 Defendant's Exhibit 7 for purposes of identification.

2 **MR. HAZLEHURST:** If I may approach, Your Honor.

3 **BY MR. HAZLEHURST:**

4 **Q.** (Handing.)

5 That is the statement of charges you prepared in this
6 case; isn't that correct?

7 **A.** Yes.

8 **Q.** And when you prepared this, you weren't under any time
9 pressure. You had ample time to prepare it and put all the
10 facts that were necessary for that statement of charges;
11 correct?

12 **A.** Yes.

13 **Q.** Okay. And, again, same goes for your report; correct?

14 **A.** That's correct.

15 **Q.** All right.

16 **MR. HAZLEHURST:** Your Honor, I'm going to show, if I
17 may, and approach with what I have marked as Defendant's
18 Exhibit 8 for purposes of identification.

19 **THE COURT:** All right.

20 **BY MR. HAZLEHURST:**

21 **Q.** (Handing.)

22 That is the report you prepared; correct?

23 **A.** That's correct.

24 **Q.** Okay. And when you prepared these reports, you did not
25 include that you found any cell phones, did you?

1 **A.** Not in the statement of charges.

2 **Q.** Not in the report either, did you?

3 **MS. HOFFMAN:** Objection. That's not true.

4 **THE WITNESS:** It's actually in the report.

5 **BY MR. HAZLEHURST:**

6 **Q.** It is in the report. Where is it in the report, Officer?

7 **A.** It's on Page 6 of the actual FBR report, the third
8 paragraph and below.

9 **Q.** Page 6?

10 **A.** Page 6.

11 (Counsel conferred.)

12 **BY MR. HAZLEHURST:**

13 **Q.** And this was a draft report, the one I've given you?

14 **A.** Yes.

15 **Q.** All right. Now, there is no mention of -- you said it was
16 "isotol"; correct?

17 **A.** Yes.

18 **Q.** And you recovered "isotol"?

19 **A.** Yes.

20 **Q.** And that is in the report?

21 **A.** I don't believe it was in the report, no.

22 **Q.** Okay. Now, you recovered these two firearms. And the day
23 you were working, this was not an investigation of Mr. Davis,
24 was it?

25 **A.** Can you repeat the questions again, sir.

1 **Q.** When you were working the radar site, that didn't start
2 out to be an investigation of Mr. Davis, did it?

3 **A.** No.

4 **Q.** So you were out there just working in traffic detail?

5 **A.** That's correct.

6 **Q.** Okay. And you see Mr. Davis and, again, appears to be
7 speeding; you pull him over?

8 **A.** That's correct.

9 **Q.** And you find these firearms in the car; correct?

10 **A.** That's correct.

11 **Q.** And you had no evidence in regard to whether Mr. Davis had
12 ever used those firearms; correct?

13 **A.** That's correct.

14 **Q.** And you had no evidence regarding whether they had been
15 ever used in any particular offense; correct?

16 **A.** That's correct.

17 **Q.** And you took those firearms, and you submitted them for
18 examination; correct?

19 **A.** That's correct.

20 **Q.** And part of the reason you do that is, one, because you
21 have to make sure that those firearms are actually firearms;
22 right?

23 **A.** Correct.

24 **Q.** They have to be operable. They have to be test-fired.

25 **A.** That's correct.

1 **Q.** But you're also doing that to make sure that they can be
2 examined to determine whether they are or were involved in any
3 other offense; correct?

4 **A.** That's correct.

5 **Q.** And to your knowledge, there was never any evidence that
6 they were involved in any other offense, were they?

7 **A.** I don't have any paperwork saying that.

8 **Q.** Now, you said that there was also a small amount of
9 marijuana that was seized; correct?

10 **A.** Correct.

11 **Q.** Personal-use marijuana?

12 **A.** Yes.

13 **Q.** Might explain that smell that you got when you approached
14 the car.

15 **A.** That's correct.

16 **Q.** Okay. And wasn't any cash that was obtained, was there?

17 **A.** No.

18 **Q.** Now, you've been asked at length about some other
19 documents, and the first thing that you were asked to discuss
20 was a cell phone excerpt; correct?

21 **A.** That's correct.

22 **Q.** Now, that is marked as Government's Exhibit CELL-2-A.

23 **A.** Correct.

24 **Q.** And the Government asked you to go through that document
25 and comment upon that; correct?

1 **A.** Correct.

2 **Q.** Now, that document didn't have anything to do with your
3 arrest that day of Mr. Davis; right?

4 **A.** It was actually his phone that was recovered from the
5 vehicle.

6 **Q.** What I'm asking, that information that's contained in this
7 document didn't do anything to establish probable cause for
8 your arrest the day that you arrested Mr. Davis; correct?

9 **A.** No.

10 **Q.** Okay. And you went through that document, and the
11 Government highlighted certain items on the first page.

12 **A.** Correct.

13 **Q.** I am not seeing this on the screen. Is that it? Aha.
14 Government asked you to note certain contacts on that
15 phone that are highlighted here, Little Syd, TroubleM,
16 Wolfmobb; correct?

17 **A.** Correct.

18 **Q.** And those are e-mail addresses, aren't they?

19 **A.** Correct.

20 **Q.** There was nothing on the phone related to any
21 communications with those addresses, was there?

22 **MS. HOFFMAN:** Objection; basis of knowledge.

23 **THE COURT:** You're asking about the entire phone? I
24 mean, do you want to --

25 **MR. HAZLEHURST:** Your Honor, in the excerpts, so I'll

WILSON - CROSS

1 refine the question.

2 THE COURT: Okay.

3 BY MR. HAZLEHURST:

4 Q. You went through the excerpts. There were no
5 communications on that excerpt with any of those e-mail
6 addresses, were there?

7 A. They were all phone numbers attached.

8 Q. They're all phone numbers; right.

9 Now, you went through a series of text messages. The
10 Government asked you to read several text messages; correct?

11 A. That's correct.

12 Q. Now, they were on various dates. And, again, you're a
13 police officer. You've got powers of investigation; correct?

14 A. Correct.

15 Q. The dates, any of the dates that the Government mentioned
16 to you and asked you to read, do you have knowledge of either
17 yourself or anyone else arresting Mr. Davis on any of those
18 dates?

19 A. No.

20 Q. No evidence that he was engaged in any sort of drug
21 trafficking on any of those dates?

22 A. I wasn't there on the date when I [sic] had contacts with
23 Shakeen.

24 Q. So you basically don't know anything about this document
25 (indicating) other than what you're reading today; correct?

1 **A.** I know exactly what I read and it's drug contact, drug
2 talk.

3 **Q.** Well, again, what I'm asking you is, based on your
4 knowledge of any investigation that's gone on in regard to
5 Mr. Davis, there is nothing that corresponds with any of those
6 messages where Mr. Davis was arrested, detained, or otherwise
7 found to be engaged in drug trafficking, is there?

8 **A.** Based off of my contacts with Shakeen Davis on a traffic
9 stop, this wasn't a part of my investigation at the time --

10 **Q.** And you're not --

11 **A.** -- as far as arrest.

12 **Q.** Pardon me for interrupting.

13 You're not aware of any other investigation by any agency,
14 by ATF, by Baltimore County, by Baltimore City, that
15 corresponds with any of these text messages where Mr. Davis was
16 alleged to be engaged in drug transactions; correct?

17 **A.** Not at that point.

18 **Q.** Now, you also were asked to go through an Instagram
19 record.

20 **A.** Correct.

21 **Q.** And read pieces of that Instagram record that were
22 highlighted by the Government; correct?

23 **A.** Correct.

24 **Q.** Now, again, this had no part in establishing
25 probable cause for your arrest of Shakeen Davis (indicating) on

1 that day in April 2016, did it?

2 **A.** No.

3 **Q.** You didn't have anything to do with preparing this
4 document, did you?

5 **A.** No.

6 **Q.** Other than trial preparation with the prosecutors, you'd
7 never seen this document before, had you?

8 **A.** No.

9 **Q.** And you were never engaged in any active investigation of
10 Mr. Davis that had any correlation to any of these particular
11 comments, did you?

12 **A.** I had no investigations pertaining to him.

13 **Q.** Now, the last thing you were asked to listen to was a
14 jail call, a recorded jail call; correct?

15 **A.** Yes.

16 **Q.** Okay. And do you remember that call, sir? Would you like
17 me to play it for you again?

18 **A.** You can play it again.

19 **Q.** Do you know what? It may be easier said than done, but
20 we'll figure that out.

21 **THE COURT:** Put up the page of the transcript.

22 **MR. HAZLEHURST:** Your Honor, I think that that might
23 be the easier way to do it.

24 **MS. HOFFMAN:** (Handing.)

25 **MR. HAZLEHURST:** Thank you very much. I appreciate

1 that.

2 **BY MR. HAZLEHURST:**

3 Q. You look at what has been marked as
4 Government Exhibit J-30-T. Has that shown up on your monitor?

5 A. Yes, sir.

6 Q. And that call began at 1:29 between two men who you never
7 encountered; correct?

8 A. No.

9 Q. You don't know William Jones?

10 A. No.

11 Q. And you don't know Melvin Lashley?

12 A. No.

13 Q. And as the Government pointed out, you're relying on
14 somebody else to establish the identity of these two men;
15 correct?

16 A. Yes.

17 Q. And that call, basically, is very -- at least what we have
18 here, is very short. And it starts out [reading]: That for
19 sho, that mob already know.

20 Do you have any clue what that means?

21 A. Repeat the question.

22 **MR. HAZLEHURST:** Strike it, Your Honor.

23 **BY MR. HAZLEHURST:**

24 Q. And the next line, spoken by a Mr. Jones, is [reading]:
25 Where --

1 And I'll omit where the -- I'll omit that word.

2 [Reading] : -- my man Creams Dinero at, man?

3 Do you see that?

4 **A.** Yes, I saw it.

5 **Q.** And you get the response from Mr. Lashley [reading] : He
6 ridin' around with that shoulder strap, though. I don't know.

7 Correct?

8 **A.** Yes.

9 **Q.** Mr. Jones [reading] : Oh, he's still ridin' around with
10 that --

11 Again, omit the word.

12 [Reading] : -- mop. Laughter. He gotta stop.

13 Do you see that?

14 **A.** Yes.

15 **Q.** And then Mr. Lashley says [reading] : No, I'm --
16 I'll omit that word.

17 [Reading] : -- with you, bro. Nah, nah, he ain't doing --
18 Omit that word.

19 [Reading] : He chillin', yo.

20 Correct?

21 **A.** Yes.

22 **Q.** You get an assertion then you get an immediate retraction;
23 correct?

24 **A.** Yes.

25 **Q.** Now, again, you've testified about a lot today. But your

1 knowledge of Mr. Davis after April 26th, 2016, basically came
2 in trial preparation, didn't it?

3 **A.** Correct.

4 **Q.** And the last time that you saw Shakeen Davis in the flesh,
5 before you walked into this courtroom today, was on April 26th,
6 2016, wasn't it?

7 **A.** Correct.

8 **MR. HAZLEHURST:** No further questions, Your Honor.

9 **THE COURT:** All right. Thank you.

10 Anybody else?

11 **MS. WHALEN:** No questions.

12 **THE COURT:** Any redirect?

13 **MS. HOFFMAN:** No redirect, Your Honor.

14 **THE COURT:** Okay. Thank you very much, sir.

15 You're excused.

16 **THE WITNESS:** Thank you.

17 (Witness excused.)

18 **THE COURT:** I'll see counsel briefly.

19 (Bench conference on the record:

20 **THE COURT:** Do you have a short witness, by any
21 chance?

22 **MS. HOFFMAN:** We do actually have a short witness.

23 I'm not sure that he would finish by 5:00, though. We would
24 probably go over a little bit. He might be like 15, 20
25 minutes.

1 **THE COURT:** Okay.

2 **MS. HOFFMAN:** We can go either -- whatever Your Honor
3 prefers.

4 **THE COURT:** Well, if you think we might get at least
5 the direct done.

6 **MS. PERRY:** I think he may have had an issue with
7 tomorrow morning.

8 **MS. HOFFMAN:** Oh, he did. Well, then we'd better do
9 him now.

10 **THE COURT:** All right. We're going to try to move
11 quickly, then. Okay.)

12 (Bench conference concluded.)

13 **THE COURT:** The Government is calling one more witness
14 for today.

15 **MS. HOFFMAN:** The Government calls Joe Cohan.

16 **THE CLERK:** Please raise your right hand.

17 DETECTIVE JOSEPH COHAN, GOVERNMENT'S WITNESS, SWORN.

18 **THE CLERK:** Please be seated.

19 **MS. HOFFMAN:** And, Your Honor, permission to approach
20 and retrieve the exhibit?

21 **THE COURT:** Sure.

22 **MS. HOFFMAN:** Thanks.

23 **THE CLERK:** Please speak directly into the microphone.
24 State and spell your full name for the record, please.

25 **THE WITNESS:** Sure. It's Detective Joseph Cohan,

1 J-O-S-E-P-H, C-O-H-A-N.

2 THE CLERK: Thank you.

3 DIRECT EXAMINATION

4 BY MS. HOFFMAN:

5 Q. Good afternoon, Detective Cohan.

6 With which law enforcement agency are you employed?

7 A. Baltimore County Police.

8 Q. And can you tell us your unit and title.

9 A. I am in the intel unit, the gang enforcement team.

10 Q. And how long have you been with the Baltimore County
11 Police Department?

12 A. It was 16 years in December of 2018.

13 Q. During your career in law enforcement, have you
14 participated in investigations into drug-trafficking
15 organizations?

16 A. I have.

17 Q. And have you assisted in the execution of search warrants
18 at the homes of suspected drug traffickers?

19 A. I have.

20 Q. Have you seized drugs and related drug paraphernalia and
21 paperwork?

22 A. I have.

23 Q. I want to direct your attention to July 31st of 2015. Did
24 you assist with the execution of a search warrant on that day?

25 A. I did.

1 **Q.** Who was the subject of the search warrant?

2 **A.** Dontray Johnson.

3 **Q.** And what was the location of the search warrant?

4 **A.** Number 4 Wyegate Court, Owings Mills, Maryland.

5 **Q.** I'm going to show you Government's Exhibit MAP-12.

6 What are we looking at here?

7 **A.** That's Number 4 Wyegate Court.

8 **Q.** And I'm going to show you Government's Exhibit IND-53.

9 Who is that?

10 **A.** Dontray Johnson.

11 **Q.** Approximately what time was the search warrant executed,
12 if you recall?

13 **A.** 04:40 hours in the morning.

14 **Q.** And who, if anyone, was located inside the residence?

15 **A.** Dontray Johnson and his -- I believe it was his wife,
16 Toi Cutchember.

17 **Q.** And were they detained?

18 **A.** Yes, they were.

19 **Q.** And were Miranda warnings given to them?

20 **A.** They were.

21 **Q.** Was a search of the house conducted?

22 **A.** Yes.

23 **Q.** And was there anything recovered from a kitchen cabinet in
24 the house?

25 **A.** Yes, there was.

1 **Q.** What was found in the kitchen cabinet?

2 **A.** In the kitchen cabinet was a bag containing unused
3 gelcaps.

4 **Q.** And you mentioned that you have experience conducting
5 drug-trafficking investigations and seizing drug-trafficking
6 paraphernalia.

7 Why did you seize the gelcaps?

8 **A.** They are commonly used to contain/hold/package heroin,
9 crack cocaine, powder cocaine, CDS in general.

10 **Q.** Was there any other drug paraphernalia located in the
11 kitchen?

12 **A.** Yes. There were scales.

13 **Q.** What kind of scales?

14 **A.** Like digital scales.

15 **Q.** Did you assist with searching the rest of the residence?

16 **A.** I did.

17 **Q.** And what, if anything, did you recover from the residence?

18 **A.** On the first floor going on the stairwell going up to the
19 second floor was a picture of many individuals.

20 **Q.** And I'm actually going to stop you there, and I'm going to
21 show you Government's Exhibit GP-5-A.

22 Do you recognize this photo here?

23 **A.** Yes, I do.

24 **Q.** And what is it?

25 **A.** That's the picture that we -- we seized from the stairwell

1 going up -- up to the second floor.

2 Q. And I'm going to . . .

3 In the course of the search, was there a safe recovered
4 from the master bedroom?

5 A. There was.

6 Q. And what, if anything, was found in that safe?

7 A. U.S. currency, a bag containing live ammunition. It was
8 seventy .22-caliber rounds and a bag containing three other
9 bags of packaged CDS. And those were baggies and capsules
10 individually packaged containing like an off-white, brownish
11 substance.

12 Q. And based on your experience conducting drug-trafficking
13 investigations, what did you believe the brownish, off-white
14 powder substance to be?

15 A. Heroin.

16 Q. By the way, before searching the safe, did you ask
17 Mr. Johnson for the combination to open the safe?

18 A. We did.

19 Q. And did he ultimately provide you that combination?

20 A. Ultimately, he did, yes.

21 Q. I'm going to approach and show you
22 Government's Exhibit F-10.

23 (Handing.)

24 What are you looking at there? You may need to open it.
25 I don't know.

1 **A.** This is -- this is the bag of ammunition that we found.

2 **Q.** And is that the bag containing, I believe you said, 70
3 rounds of .22-caliber ammunition?

4 **A.** Correct.

5 **Q.** And I'm going to show you Government's Exhibit F-10-A.
6 What are we looking at here?

7 **A.** Same bag.

8 **Q.** And I'm going to approach and show you
9 Government's Exhibit D-12.

10 (Handing.)

11 Can you tell us what Government's Exhibit D-12 is.

12 **A.** Are they -- this is the -- this is the bag that was found
13 in the kitchen with the unused, empty gelcaps. Yep.

14 **Q.** I'm sorry. I'm going to retract -- let's call that bag
15 D-12-A and then the one that you're about to identify D-12.

16 **A.** Do you want me to open this up and take everything out?
17 Because I can recognize --

18 **Q.** Oh, you don't have to take -- yeah. Do you recognize it?

19 **A.** -- through it that this is the CDS that we found in the
20 safe.

21 **Q.** And did you submit that drug evidence to the
22 Baltimore County lab for testing?

23 **A.** Yes.

24 **Q.** And if you recall, do you recall what the approximate
25 weight of the CDS was?

1 **A.** It was over 25 grams, in total.

2 **Q.** In total.

3 **MS. HOFFMAN:** I have no further questions.

4 **THE COURT:** All right. Thank you.

5 Any questions?

6 **MS. WHALEN:** No, Your Honor.

7 Thank you.

8 **THE COURT:** Okay. All right. Thank you, sir.

9 **THE WITNESS:** Thank you, Your Honor.

10 **THE COURT:** You're excused.

11 (Witness excused.)

12 **THE COURT:** Retrieve the exhibits and we'll adjourn
13 for today until 10:00 tomorrow.

14 The ladies and gentlemen of the jury are excused.

15 Thank you very much.

16 (Jury excused at 4:56 p.m.)

17 **THE COURT:** Any issues anybody wants to anticipate for
18 tomorrow?

19 **MS. WHALEN:** Your Honor, we haven't been given any
20 information about what exhibits will be presented tomorrow, so
21 it will have to be in the morning, assuming we get that kind of
22 information about whether there's any additional challenges.

23 **THE COURT:** Sure. Sure. Sure. Okay. I assume that
24 you will be getting that information.

25 **MS. HOFFMAN:** Your Honor, I believe we did discuss

1 this a couple times previously.

2 We're not always able to get advanced notice of
3 exhibits. Things are in flux sometimes up until the last
4 minute. We've been doing our best to provide general
5 categories of exhibits and flag exhibits that we think may be
6 objected to and that sort of thing.

7 We will certainly continue to do our best to do that.

8 I don't think we have a list of exhibits for tomorrow
9 yet. But we will, you know, attempt to do our best.

10 I don't . . .

11 **THE COURT:** Can you tell me, is there any reason you
12 can't just find out who are the witnesses for tomorrow?

13 **MS. HOFFMAN:** Oh, we've already provided the witnesses
14 for tomorrow, yes. We have been providing witnesses, doing our
15 best to provide witnesses 48 hours in advance.

16 **THE COURT:** Okay.

17 **MS. HOFFMAN:** There will be, I think, wire calls,
18 Ms. Perry is telling me, that will be played tomorrow. We
19 don't know the specific numbers now, but we can flag those for
20 the defense counsel when we figure those out.

21 **THE COURT:** As soon as you figure it out, please let
22 them know.

23 All right. I'll excuse the gallery.

24 (Pause.)

25 **THE COURT:** All right. We'll be in recess until

1 tomorrow morning, 10 o'clock.

2 (Court adjourned at 5 o'clock p.m.)

3 INDEX - GOVERNMENT'S EVIDENCE

4 <u>WITNESS</u>	5 <u>DR</u>	6 <u>CR</u>	7 <u>RDR</u>	8 <u>RCR</u>
9 JAMES WAGSTER (Voir Dire)	10 29	11 32	12 --	13 --
14 JAMES WAGSTER	15 35	16 51	17 58	18 --
19 DERRAN HANKINS	20 63	21 122, 135, 139	22 144	23 --
24 DET. PHILIP WILSON	25 149	26 180	27 --	28 --
29 DET. JOSEPH COHAN	30 198	31 --	32 --	33 --

10
11
12
13
14 I, Douglas J. Zweizing, RDR, CRR, do hereby certify that
15 the foregoing is a correct transcript from the stenographic
16 record of proceedings in the above-entitled matter.

17 _____
18 /s/
19
20 Douglas J. Zweizing, RDR, CRR, FCRR
21 Registered Diplomate Reporter
22 Certified Realtime Reporter
23 Federal Official Court Reporter
24 DATE: November 6, 2019
25

Douglas J. Zweizing, RDR, CRR - Federal Official Court Reporter

BY MR. ENZINNA: [2] 122/9 134/2	THE CLERK: [131] 29/14 29/19 63/8 63/10 63/14 92/12 148/23 149/2 149/7 197/16 197/18 197/23 198/2	.22 [3] 155/24 201/8 202/3 .22 model .40-caliber [1] 155/24 .22-caliber [2] 201/8 202/3 .36 [1] 10/2 .36 percent [1] 10/2 .40 [9] 43/19 45/21 46/20 53/24 54/3 57/19 57/20 57/23 155/24 .40-caliber [2] 57/20 57/23 .40-calibers [1] 57/19
BY MR. HAZLEHURST: [8] 180/23 186/3 186/20 187/5 187/12 191/3 194/2 194/23	THE COURT: [135] 3/3 3/13 6/4 13/20 14/16 15/2 16/2 21/23 22/4 22/7 22/20 24/9 24/18 25/5 26/3 26/8 26/10 26/12 27/9 27/11 28/3 28/10 28/23 29/5 29/7 32/21 34/25 35/2 42/9 42/13 42/17 42/20 42/24 43/2 43/6 43/8 51/14 58/4 58/7 58/17 59/4 59/6 59/16 59/18 59/20 59/22 59/25 60/5 60/13 60/19 60/22 61/4 61/13 61/19 61/25 62/2 62/10 62/15 70/17 71/9 71/11 76/21 86/18 89/6 89/9 89/14 90/14 90/17 90/19 91/3 91/21 91/24 92/5 92/8 92/14 93/22 95/10 95/15 114/8 122/4 135/2 139/4 139/16 139/20 143/25 144/4 144/7 145/15 145/18 145/21 145/25 147/8 147/11 147/16 147/21 147/24 148/17 148/21 148/23 153/22 154/11 154/22 155/2 155/4 155/13 158/17 160/7 165/4 172/10 179/2 180/19 186/19 190/23 191/2 193/21 196/9 196/12 196/14 196/18 196/20 197/1 197/4 197/10 197/13 197/21 203/4 203/8 203/10 203/12 203/17 203/23 204/11 204/16 204/21 204/25	/
BY MS. AMATO: [1] 139/22	THE WITNESS: [12] 29/17 63/12 92/13 135/1 139/7 149/5 155/15 172/8 187/4 196/16 197/25 203/9	/s [1] 205/17
BY MS. HOFFMAN: [17] 29/21 35/16 43/9 58/10 59/7 149/9 150/22 155/7 155/17 158/20 160/8 165/5 172/12 173/21 179/6 180/8 198/4	0	0
BY MS. PERRY: [18] 63/16 70/18 71/12 76/22 86/19 92/16 93/23 95/11 95/16 103/20 108/1 108/17 108/25 109/10 114/9 114/16 115/3 144/10	0267 [1] 1/4 0332 [2] 162/20 177/15 04:40 [1] 199/13	0267 [1] 1/4
BY MS. WHALEN: [2] 32/23 51/18	1	1
MR. DAVIS: [1] 144/5	1 minute [2] 179/18 180/6	1 minute [2] 179/18 180/6
MR. ENZINNA: [16] 60/21 60/23 61/12 61/23 62/1 70/16 71/8 71/10 76/20 86/17 95/9 95/14 103/19 122/7 133/25 134/23	1 percent [1] 10/2 10 [8] 23/17 23/17 25/5 54/21 75/13 88/5 172/17 201/22 10 o'clock [1] 205/1	1 percent [1] 10/2 10 [8] 23/17 23/17 25/5 54/21 75/13 88/5 172/17 201/22
MR. HAZLEHURST: [26] 24/5 144/2 146/5 146/7 146/10 146/16 147/10 147/14 153/21 153/24 154/18 154/23 155/5 158/14 165/2 172/7 172/9 173/17 180/21 186/2 186/16 190/25 193/22 193/25 194/22 196/8	10,000 [1] 79/5 101 [1] 1/24 106 [1] 147/7 109 [7] 23/1 26/3 26/5 26/8 27/16 29/1 111/3 10:00 tomorrow [1] 203/13 10:47 a.m [1] 3/2 10th [1] 176/18	10,000 [1] 79/5 101 [1] 1/24 106 [1] 147/7 109 [7] 23/1 26/3 26/5 26/8 27/16 29/1 111/3 10:00 tomorrow [1] 203/13
MR. SARDELLI: [6] 27/16 28/6 61/14 61/21 139/6 139/15	11 [2] 158/22 158/23 11-some [1] 164/24 11:27 a.m [1] 29/6 12 [5] 158/23 199/5 202/9 202/11 202/15	11 [2] 158/22 158/23 11-some [1] 164/24 11:27 a.m [1] 29/6 12 [5] 158/23 199/5 202/9 202/11 202/15
MR. TRAINOR: [2] 61/22 139/18	12,000 [5] 79/12 136/11 136/22 138/1 139/2 122 [1] 205/7	12,000 [5] 79/12 136/11 136/22 138/1 139/2 122 [1] 205/7
MS. AMATO: [12] 24/10 27/1 27/10 62/4 90/20 91/4 93/21 114/7 139/19 143/22 146/4 147/25	12:09 p.m [1] 60/4 12:28 p.m [1] 62/14 12:59 p.m [1] 89/13 12th [4] 46/4 49/3 51/6 149/21	12:09 p.m [1] 60/4 12:28 p.m [1] 62/14 12:59 p.m [1] 89/13 12th [4] 46/4 49/3 51/6 149/21
MS. HOFFMAN: [49] 6/6 13/25 21/24 22/6 29/4 29/12 32/17 35/14 42/7 42/12 42/25 43/5 43/7 51/12 58/8 58/21 59/19 90/18 145/23 146/2 146/6 146/8 146/12 147/9 148/12 148/20 148/24 150/20 154/5 155/3 158/19 173/20 178/25 179/4 180/18 187/3 190/22 193/24 196/13 196/22 197/2 197/8 197/15 197/19 197/22 203/3 203/25 204/13 204/17	13 [2] 150/21 152/21 133 [1] 54/1 134 [4] 23/2 26/13 29/1 114/13	13 [2] 150/21 152/21 133 [1] 54/1 134 [4] 23/2 26/13 29/1 114/13
MS. PERRY: [28] 25/1 25/9 26/5 26/9 26/11 26/13 27/15 28/11 60/7 62/11 63/6 89/8 89/21 89/23 90/16 91/6 91/23 92/4 92/15 107/24 108/22 109/6 109/9 114/15 122/2 144/8 145/13 197/6	135 [1] 205/7 1370 [1] 171/5 139 [1] 205/7	135 [1] 205/7 1370 [1] 171/5 139 [1] 205/7
MS. WHALEN: [23] 3/10 3/20 14/24 15/3 21/21 22/16 22/21 32/20 34/23 42/15 42/18 42/21 51/16 58/1 58/16 58/19 59/3 59/15 59/17 107/23 196/11 203/6 203/19	14 [3] 106/5 173/16 173/22 144 [1] 205/7 1456 [1] 178/5 1457 [1] 178/16 149 [1] 205/8 14th [1] 54/5	14 [3] 106/5 173/16 173/22 144 [1] 205/7 1456 [1] 178/5 1457 [1] 178/16 149 [1] 205/8 14th [1] 54/5
	15 [15] 8/2 16/18 50/7 54/21 79/5 157/11 157/16 157/20 157/23 161/8 161/11 169/24 170/1 180/15 196/24	15 [15] 8/2 16/18 50/7 54/21 79/5 157/11 157/16 157/20 157/23 161/8 161/11 169/24 170/1 180/15 196/24
	16 [3] 157/6 174/8 198/12 17 [2] 156/7 174/16	16 [3] 157/6 174/8 198/12 17 [2] 156/7 174/16
	18 [1] 74/17	18 [1] 74/17

1 Case 1:16-cr-00267-LKG Document 1354 Filed 11/21/19 Page 207 of 244

18,000 [6] 135/11 135/16 136/12 136/23 138/1 139/2 180 [1] 205/8 18:49 hours [1] 180/4 18th [5] 136/6 137/25 139/1 145/10 176/7 19 [7] 34/5 75/18 80/21 110/16 110/17 119/2 136/20 198 [1] 205/9 1986 [1] 31/7 19s [4] 80/16 81/11 81/11 131/16 1:29 between [1] 194/6 1A [1] 1/9	29 [2] 176/10 205/5 29 seconds [2] 179/19 180/6 2985 [1] 169/20 29th [1] 168/18 2:07 p.m. [1] 92/11 2:30 [1] 150/12 2nd [2] 169/18 170/3	60 [1] 117/21 623 [1] 32/13 6230 [3] 167/10 169/14 170/4 6230 number [1] 171/19 63 [1] 205/7 69 [1] 176/4 6th [1] 171/4
2	3	7
2 o'clock [2] 89/11 92/5 2 percent [1] 18/22 2,116 [1] 10/19 2.26 percent [1] 10/3 2.5 [2] 170/6 172/1 20 [6] 30/20 88/23 168/4 168/4 174/25 196/24 20 feet [1] 53/5 2003 [1] 11/17 2007 [1] 83/14 2010 [3] 66/25 106/9 151/11 2011 [3] 73/12 106/9 117/1 2012 [1] 123/15 2013 [5] 54/5 73/12 121/4 137/4 137/6 2014 [10] 135/20 136/6 137/13 137/16 137/19 137/22 137/25 138/16 138/18 145/11 2015 [11] 41/15 45/15 46/4 48/25 49/3 50/21 51/4 51/6 66/4 180/3 198/23 2016 [24] 64/24 66/25 121/12 123/11 136/5 149/23 150/11 167/5 168/8 168/19 169/5 169/14 169/18 170/3 171/4 171/10 171/19 176/18 177/3 181/5 182/4 193/1 196/1 196/6 2018 [1] 198/12 2019 [2] 1/8 205/20 20th [1] 10/19 21201 [1] 1/25 22 [1] 75/23 22 minutes [1] 109/6 22nd [1] 167/5 240 [3] 162/20 166/6 177/15 24th [1] 136/4 25 [2] 88/24 175/15 25 grams [3] 128/18 128/24 203/1 25,000 [1] 82/21 2500 [2] 81/9 81/10 26 [1] 30/14 261 [1] 11/16 26th [4] 150/11 181/5 196/1 196/5 27 [1] 101/19 27 seconds [1] 108/23 270 [2] 107/18 107/24 2739775 [1] 180/2 28 [2] 67/17 176/4 28th [2] 168/8 180/3	3 percent [1] 14/8 30 [5] 81/11 81/11 81/11 177/1 179/12 301 [1] 167/10 30th [1] 169/5 31 [2] 108/13 177/9 3133 [2] 41/19 43/11 31st [2] 169/14 198/23 32 [5] 31/1 119/14 119/24 177/24 205/5 324 F.3d 261 [1] 11/16 34 [4] 24/12 67/6 97/18 173/22 35 [3] 174/3 178/4 205/6 35-mile-per-hour [1] 183/1 36 [3] 63/20 174/9 178/15 37 [1] 174/17 38 [1] 76/7 3:14 p.m. [1] 147/20 3:37 p.m. [1] 148/22	
4	8	8
4 Wyegate Court [1] 199/4 40 [1] 175/1 40,000 [1] 84/7 41 [1] 175/11 41 seconds [1] 109/7 410 [1] 180/2 415-9975 [1] 76/4 442 [1] 54/1 443 [2] 76/4 163/4 45 [1] 175/16 46 [2] 10/17 175/24 48 [1] 204/15 4:56 p.m. [1] 203/16 4th [1] 1/24	80,000 [3] 115/7 115/8 115/16 81 [1] 116/22 828-6230 [1] 167/10 83 [1] 161/14 84 [1] 105/11 8596 [4] 166/6 169/6 169/7 170/16 87 [4] 22/22 29/1 73/17 123/4 8783 [3] 168/19 171/11 171/25 88 [4] 22/24 29/1 102/20 177/25 8th [5] 41/15 45/15 48/25 50/21 51/4	
5	9	9
5 minutes [1] 108/23 5 o'clock p.m. [1] 205/2 50 [2] 88/22 108/7 50 grams [5] 88/9 88/13 128/16 129/2 129/11 50 percent [1] 130/1 50-cent [1] 79/6 51 [1] 205/6 5200 [4] 68/5 69/23 69/24 174/7 5200 block [3] 41/16 70/3 70/4 5200 boys [1] 72/7 5200fam [3] 173/5 176/3 176/25 53 [2] 120/23 199/8 55 miles [2] 151/16 183/4 58 [2] 105/1 205/6 5:00 [1] 196/23	9-1-1 [1] 161/20 9166 [1] 180/2 94 [1] 102/15 95 percent [1] 10/3 98 [1] 179/13 99 [1] 108/14 9975 [2] 76/4 127/7 9th [3] 171/10 171/19 177/3	
6	A	A
6 percent [2] 12/20 12/24	a.m [2] 3/2 29/6 Aanonsen [1] 2/15 abetting [5] 64/13 64/23 65/24 123/16 123/17 Abilify [1] 66/16 ability [4] 11/3 21/9 66/19 66/22 able [46] 4/5 4/13 4/13 12/22 13/7 17/16 25/20 28/12 38/19 43/17 43/21 44/15 45/5 45/7 46/18 46/23 47/3 47/6 47/8 47/13 47/22 48/19 49/6 49/10 50/4 50/12 50/16 50/19 50/24 52/3 53/17 53/20 56/14 58/25 68/21 69/4 69/17 72/16 80/18 83/5 89/24 151/19 156/14 156/20 160/15 204/2 ably [1] 12/7 about [158] 3/18 4/18 6/8 6/10 6/11 6/22 9/17 11/7	

A	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 208 of 244		
about... [150]	11/14 12/13 13/12 13/13 15/4 16/7 18/22 21/12 24/2 25/18 26/21 26/25 27/12 28/13 28/19 28/20 28/24 29/1 30/2 31/11 33/8 37/16 37/24 39/8 43/3 43/12 43/17 45/5 46/18 47/1 47/11 47/14 50/8 50/12 50/19 51/20 51/24 52/4 52/7 52/8 54/10 58/11 64/21 65/24 66/9 67/24 77/5 77/7 78/11 79/13 82/18 83/4 83/13 83/17 85/7 86/15 86/24 90/11 91/10 92/18 92/19 92/22 92/23 93/8 94/1 94/3 95/3 97/15 100/5 100/13 100/16 100/18 100/20 101/24 101/25 103/2 103/16 103/21 104/3 104/4 104/8 105/23 105/24 106/16 108/7 108/22 109/13 111/10 113/16 114/10 115/5 115/25 116/14 116/21 121/11 123/10 124/15 125/7 125/24 126/2 126/11 127/9 128/3 128/13 129/11 129/22 131/15 132/14 132/15 132/17 132/19 133/9 134/20 136/6 137/25 138/23 141/1 141/2 141/8 141/12 141/13 141/21 141/25 142/6 142/12 142/17 142/20 143/9 143/14 144/19 144/20 145/24 146/1 146/8 146/17 146/21 148/10 162/11 163/20 166/20 175/8 179/1 181/4 189/18 190/23 191/24 195/25 202/15 203/20 203/22 above [2] 42/22 205/16 above-entitled [1] 205/16 Above-identified [1] 42/22 absolute [2] 7/23 13/11 absolutely [2] 61/9 62/20 accept [4] 10/16 21/14 21/16 35/8 acceptance [3] 9/8 12/11 20/13 accepted [1] 20/14 accepting [1] 18/21 access [1] 19/7 according [7] 101/3 137/15 137/23 137/24 138/16 139/3 139/4 account [7] 9/23 23/18 28/17 73/18 102/21 139/11 172/19 accounting [1] 139/12 accurate [4] 138/20 138/24 185/16 185/17 achieved [1] 12/10 acknowledge [2] 6/11 13/16 acknowledged [1] 161/7 acknowledges [1] 10/22 across [1] 161/13 acting [1] 104/2 action [2] 36/16 149/24 active [1] 193/9 activities [3] 31/12 84/10 94/22 activity [1] 137/18 actual [9] 5/21 23/25 25/2	36/4 150/24 156/21 159/23 160/10 187/7 actually [46] 10/4 12/19 23/17 27/14 29/2 38/8 42/7 51/10 52/9 57/4 57/14 77/1 79/15 84/20 84/25 86/20 86/21 92/24 97/3 105/20 110/20 119/19 120/13 124/4 128/11 131/8 138/1 139/1 146/20 151/10 156/4 159/23 160/22 167/23 176/24 178/9 181/22 181/22 183/7 183/8 184/9 187/4 188/21 190/4 196/22 200/20 add [1] 94/8 added [1] 169/21 addition [4] 18/4 65/23 84/8 104/8 additional [3] 163/16 163/20 203/22 address [4] 6/5 8/25 164/16 172/21 addressed [2] 20/9 146/15 addresses [3] 190/18 190/21 191/6 adjourn [1] 203/12 adjourned [1] 205/2 admissibility [1] 16/23 admissible [2] 12/16 147/11 admitted [1] 162/8 admitting [1] 17/3 advance [1] 204/15 advanced [1] 204/2 advised [2] 161/1 161/10 affect [2] 66/19 66/22 AFTE [9] 7/5 7/8 17/24 19/13 19/20 31/9 31/14 34/10 34/13 after [23] 4/15 38/10 62/15 87/6 87/10 88/4 90/4 91/21 98/22 99/6 99/11 100/10 104/17 106/2 121/4 128/19 147/2 147/18 151/22 155/21 172/13 178/21 196/1 afternoon [19] 63/17 63/18 92/2 122/10 122/11 135/6 135/7 139/23 139/24 147/17 147/22 149/10 149/11 150/12 168/20 171/12 180/24 180/25 198/5 again [50] 5/2 18/2 19/15 20/2 21/2 25/20 36/17 42/3 45/10 46/15 47/24 49/5 49/11 49/13 50/16 51/2 56/18 60/20 61/6 61/10 62/19 63/1 66/6 75/8 80/23 91/18 97/18 107/23 110/16 110/20 113/23 118/10 119/8 119/24 136/13 138/5 140/25 142/19 146/22 183/22 186/13 187/25 188/6 191/12 192/3 192/24 193/17 193/18 195/11 195/25 against [9] 33/13 36/12 37/10 38/14 38/15 51/22 51/25 63/3 177/7 agency [3] 149/12 192/13 198/6 agent [3] 2/15 24/2 160/7 agents [9] 125/13 125/15 132/7 133/2 136/1 136/4	159/22 165/21 165/21 ago [3] 126/2 132/25 177/22 agree [8] 24/6 40/17 59/4 64/25 65/6 138/16 139/9 161/4 agreed [1] 12/3 agreement [8] 7/21 19/22 49/21 50/5 56/4 56/8 65/3 65/6 Aha [1] 190/13 ahead [5] 18/1 43/8 108/22 109/6 179/18 ahold [1] 127/18 aid [1] 66/5 aiding [5] 64/13 64/22 65/24 123/16 123/17 ain't [3] 168/21 173/5 195/17 al [1] 1/5 Alcatel [1] 160/17 Alcatel OneTouch [1] 160/17 Alcohol [1] 162/3 all [136] 3/13 4/4 6/1 10/11 17/9 20/15 20/17 21/23 24/4 28/11 30/3 32/5 33/22 34/4 34/10 34/18 34/22 34/24 35/2 42/17 43/14 44/12 44/19 45/14 48/4 48/13 49/15 49/17 49/21 51/14 52/16 52/19 53/17 54/23 55/4 55/19 55/24 56/3 56/15 56/18 57/6 57/17 58/2 59/22 60/2 60/16 60/17 60/19 61/20 62/15 62/17 67/21 78/14 79/24 81/14 82/9 84/25 86/11 89/9 89/14 89/18 91/25 92/5 92/8 96/4 97/6 97/7 98/24 99/8 99/8 100/3 100/7 104/19 110/3 114/17 118/19 122/4 123/10 125/1 125/2 126/1 126/11 128/2 129/17 129/22 132/14 133/9 135/19 136/25 137/4 137/7 138/10 139/16 139/20 140/3 140/9 140/12 140/15 141/12 141/21 141/24 142/3 142/6 142/11 142/19 142/22 142/25 143/9 143/23 143/25 145/15 147/21 148/17 162/17 167/24 172/3 172/20 179/7 179/18 180/19 182/4 182/13 185/5 185/21 186/9 186/15 186/19 187/15 191/7 191/8 196/9 197/10 203/4 203/8 204/23 204/25 allegation [1] 24/14 alleged [3] 11/21 28/22 192/16 Allen [1] 91/17 Allendale [1] 164/17 allotted [3] 77/19 78/17 136/19 allow [4] 5/8 13/18 35/12 81/7 allowed [5] 15/10 15/10 15/15 20/23 21/13 allows [1] 56/22 alluding [1] 86/21 almost [2] 11/13 68/18 alone [1] 8/20 along [5] 6/23 53/17 135/21 135/21 158/8 alongside [1] 161/18

A	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 209 of 244
already [8]	23/6 41/13 64/10 78/19 81/8 179/2 194/19 204/13
also [71]	2/14 4/25 5/1 7/18 11/25 13/3 18/12 21/11 21/12 21/19 25/11 27/12 28/21 30/10 30/21 31/8 34/15 38/6 40/12 41/2 41/6 41/23 44/14 44/18 46/4 46/6 47/19 49/19 49/22 55/7 64/17 69/3 72/7 74/4 81/22 90/6 92/22 121/24 123/10 123/14 123/25 126/3 126/11 127/2 127/3 127/17 128/13 128/24 131/15 132/19 133/9 141/12 142/6 146/12 146/13 161/10 165/19 167/16 169/5 170/20 175/10 175/23 176/10 184/9 184/22 184/25 185/2 185/24 189/1 189/8 192/18
alteration [2]	23/25 24/7
although [2]	14/19 17/19
always [12]	17/1 17/5 18/23 44/25 76/16 79/6 81/18 115/22 129/20 130/12 136/20 204/2
am [8]	5/10 21/2 135/11 172/3 176/16 179/18 190/13 198/9
Amato [3]	2/4 60/14 139/25
amenities [1]	83/25
AMERICA [1]	1/3
Ames [5]	10/1 10/4 10/18 18/19 20/11
Ames report [1]	10/18
Ames study [4]	10/1 10/4 18/19 20/11
ammunition [19]	6/18 13/8 30/5 30/6 30/7 34/19 34/20 35/18 35/21 37/5 38/9 38/19 38/24 45/20 59/9 59/9 201/7 202/1 202/3
amount [10]	77/19 78/17 81/4 81/5 81/20 88/21 89/1 129/25 136/19 189/8
amount-wise [1]	88/21
ample [1]	186/9
ANAB [3]	7/10 39/13 39/14
analysis [11]	11/2 11/9 11/10 12/10 12/18 12/20 12/22 18/2 29/25 37/25 49/23
Anderson [20]	2/3 25/17 26/16 26/24 27/1 27/3 89/25 90/4 90/7 90/15 90/22 91/2 91/20 139/25 140/4 141/21 141/25 142/12 142/19 142/25
Anderson's [2]	26/17 27/8
angry [1]	134/20
Ann [1]	168/3
another [31]	22/23 22/24 27/21 28/21 36/16 44/2 52/2 59/12 59/25 63/5 67/3 69/19 75/9 75/14 75/14 75/15 75/15 76/5 93/25 104/8 105/23 128/6 140/15 146/17 146/20 147/18 148/23 166/18 171/18 176/17 177/2
answer [3]	55/24 161/4 172/10
anticipate [3]	3/11 92/3
	203/17 any [104] 5/7 6/8 6/21 13/12 13/21 14/19 15/7 15/16 15/16 20/25 27/18 27/24 28/1 28/2 29/9 30/6 33/2 33/5 33/8 33/14 33/22 35/10 35/11 47/18 50/20 50/24 53/11 53/23 54/3 54/7 55/25 58/7 60/5 61/9 61/10 62/21 62/21 63/2 63/2 63/3 63/23 65/12 65/25 66/15 68/11 68/25 69/11 71/22 72/10 72/21 74/4 77/8 88/16 92/3 94/16 99/9 102/12 108/2 118/1 122/5 139/17 141/24 144/7 148/18 156/20 159/25 161/19 161/25 162/12 170/20 178/22 179/15 179/19 186/8 186/25 188/15 189/2 189/5 189/6 189/7 189/16 190/20 191/5 191/15 191/17 191/20 191/21 192/4 192/5 192/13 192/13 192/15 193/9 193/10 193/10 194/20 196/12 196/20 200/10 203/5 203/17 203/19 203/22 204/11 any .40-caliber [1] 54/3 anybody [3] 58/5 196/10 203/17 anymore [2] 127/23 130/16 anyone [7] 69/11 70/8 70/9 98/20 118/18 191/17 199/14 anything [39] 3/18 5/8 6/23 9/17 26/21 33/6 34/25 43/3 50/23 54/10 59/6 59/20 60/14 61/6 61/18 83/17 86/8 92/2 94/7 94/20 99/19 99/20 100/23 113/8 129/18 140/6 153/4 155/20 155/25 157/24 160/21 169/20 190/2 190/7 191/24 193/3 199/23 200/17 201/6 anywhere [3] 68/19 72/13 133/3 AP [1] 158/4 apart [1] 77/15 apartment [5] 97/6 97/14 97/14 97/17 98/1 apartments [3] 67/15 97/23 97/25 apologize [9] 9/2 21/25 23/11 26/5 29/8 60/25 61/23 62/1 173/20 Apparently [1] 101/2 appear [4] 24/24 91/7 159/11 161/25 appears [3] 18/15 28/21 188/6 apples [1] 10/8 applicable [1] 61/20 applied [1] 5/20 applies [1] 18/14 apply [1] 17/7 appreciate [4] 16/17 29/10 167/2 193/25 approach [14] 41/12 42/3 46/1 120/17 153/21 156/6 157/5 160/5 178/25 186/2 186/17 197/19 201/21 202/8 approached [5] 58/20 151/23 153/4 183/20 189/13 approaching [2] 182/21 182/23
	appropriate [2] 12/16 21/4 approximate [2] 50/3 202/24 approximately [9] 32/12 44/9 64/20 73/13 94/14 125/23 137/14 150/12 199/11 April [16] 1/8 121/11 149/23 150/11 169/18 170/3 171/4 171/10 171/19 176/7 176/18 181/5 182/4 193/1 196/1 196/5 April 10th [1] 176/18 April 18th [1] 176/7 April 2016 [1] 193/1 April 26th [4] 150/11 181/5 196/1 196/5 April 2nd [2] 169/18 170/3 April 6th [1] 171/4 April 9th [2] 171/10 171/19 AR [12] 156/5 157/3 157/11 157/16 157/20 157/23 161/8 161/11 161/24 169/24 170/1 180/15 AR-15 [7] 157/20 157/23 161/8 161/11 169/24 170/1 180/15 AR-style [4] 156/5 157/3 157/11 157/16 are [137] 3/5 3/23 4/22 4/23 5/21 6/7 6/14 8/12 8/17 8/17 9/3 9/15 12/15 13/3 14/20 15/7 16/13 18/8 18/25 19/12 21/3 21/3 21/4 21/6 22/3 23/4 23/19 23/20 25/7 25/18 25/19 25/24 25/25 27/3 27/9 27/19 29/3 30/5 31/22 34/16 36/1 36/24 37/12 37/16 37/17 37/19 37/19 38/2 38/5 38/11 38/18 38/23 38/25 41/24 42/9 49/16 52/16 52/19 53/17 55/1 55/4 55/7 57/13 57/22 58/12 59/1 59/9 59/23 60/19 62/5 62/8 62/9 62/22 63/19 64/2 64/21 65/8 66/14 67/9 67/18 75/13 76/10 89/16 89/19 90/9 90/9 90/12 91/8 91/8 91/14 97/15 102/22 107/2 116/23 122/5 123/8 123/23 137/14 138/2 146/11 148/12 149/12 156/14 156/20 157/15 158/7 158/8 159/9 160/15 163/16 163/18 170/10 170/11 171/22 175/6 177/21 178/6 179/20 179/24 181/7 181/14 182/2 182/20 183/6 188/21 189/2 190/15 190/18 198/6 199/6 200/8 201/24 202/6 202/12 203/14 204/3 204/12 area [44] 67/3 67/15 67/20 67/21 67/25 68/4 68/17 70/1 70/2 70/4 70/5 70/8 70/12 70/20 70/21 71/2 71/6 71/14 72/2 72/5 72/8 72/14 72/15 73/15 99/16 101/5 106/12 110/6 110/8 112/12 113/8 117/8 117/19 118/10 118/11 118/14 118/18 119/8 119/10 119/11 150/19 151/10 153/2 154/4 areas [2] 8/22 69/14 aren't [1] 190/18 argue [1] 146/19

<p>A Case 1:16-cr-00267-LKG Document 1354 Filed 11/21/19 Page 210 of 244</p> <p>argued [1] 146/20 arguing [1] 28/24 Armoser [2] 31/17 31/17 Army [1] 96/7 Army-issue [1] 96/7 around [36] 42/11 42/13 66/24 66/25 67/12 67/13 67/14 67/20 68/15 69/14 70/11 70/11 70/13 74/8 78/3 96/12 105/9 108/7 108/9 110/5 111/2 112/23 117/7 117/7 117/14 119/8 119/8 119/10 120/3 137/9 146/25 148/3 150/13 154/17 195/6 195/9 arranged [1] 128/9 arrangement [2] 77/21 77/22 arrest [14] 154/1 154/6 154/8 154/9 154/25 155/9 155/14 155/16 172/13 178/21 190/3 190/8 192/11 192/25 arrest warrant [2] 154/1 154/9 arrested [5] 66/6 74/11 154/19 190/8 192/6 arresting [1] 191/17 arrests [2] 150/5 159/2 arrived [1] 155/21 article [2] 73/3 80/9 articulating [1] 7/21 as [135] 3/15 3/15 4/20 5/14 7/10 8/12 8/12 8/16 8/16 9/9 11/25 12/20 12/20 13/5 13/5 15/3 15/8 16/3 16/19 16/20 17/3 18/16 18/19 19/2 19/2 19/11 19/13 19/20 19/20 19/25 20/5 20/7 20/7 20/23 21/7 21/14 24/11 24/24 25/16 26/7 26/8 26/10 27/1 27/16 28/8 28/14 32/9 32/14 32/18 35/5 35/11 36/1 41/14 43/11 44/2 45/3 46/2 46/4 46/7 47/13 47/15 51/5 61/7 62/4 62/9 62/12 64/25 65/4 65/4 65/6 65/12 65/24 65/24 72/7 73/21 73/21 81/4 81/4 87/16 89/24 89/25 90/4 90/5 90/7 90/9 90/9 90/14 91/10 91/17 91/18 94/19 94/19 98/11 107/16 116/12 121/24 124/5 126/3 127/3 127/14 134/3 138/20 140/1 141/25 146/20 147/12 149/23 151/25 152/2 153/12 158/15 159/21 159/21 159/21 162/8 162/9 163/22 165/21 166/15 167/1 168/3 172/18 179/10 180/11 181/14 183/25 185/25 186/17 189/22 192/11 192/11 194/3 194/13 204/21 204/21 ASCLD [1] 39/16 aside [1] 9/12 ask [28] 5/18 13/17 15/20 15/21 26/19 26/21 32/17 39/8 43/12 47/1 52/14 62/7 76/19 107/19 115/25 139/17 146/21 148/2 148/9 154/4 154/7 157/18 159/17 162/11 162/21</p>	<p>163/20 176/20 201/16 asked [29] 43/14 46/12 48/23 51/24 53/8 53/23 54/3 58/11 62/5 70/14 76/23 101/1 127/9 128/3 140/3 141/12 143/9 153/10 155/22 158/15 161/19 189/18 189/19 189/24 190/14 191/10 191/16 192/18 193/13 asking [13] 28/20 82/24 138/7 138/23 142/22 147/6 154/23 164/23 170/22 181/4 190/6 190/23 192/3 aspect [1] 56/6 ass [1] 23/12 assertion [1] 195/22 assign [1] 41/9 assigned [1] 31/7 assist [5] 19/10 54/23 77/8 198/24 200/15 Assistant [1] 1/16 assisted [1] 198/17 assisting [3] 84/8 150/8 159/5 assists [1] 31/4 associated [2] 48/10 163/2 Associates [1] 33/24 association [3] 31/9 34/10 68/14 assume [8] 16/18 17/21 57/19 61/19 181/20 181/25 183/17 203/23 assumed [2] 93/19 93/24 assuming [1] 203/21 assurance [1] 9/24 ATF [2] 2/15 192/14 attached [2] 175/12 191/7 attacking [1] 12/16 attempt [2] 183/22 204/9 attempting [2] 6/8 55/5 attempts [1] 161/19 attended [1] 31/15 attention [10] 12/23 43/10 121/11 150/11 152/20 170/2 171/18 173/22 176/16 198/23 attest [2] 138/8 138/10 Attorneys [1] 1/16 auction [1] 82/3 Audio [5] 107/25 108/16 108/24 109/8 180/7 August [3] 136/4 149/21 180/3 August 24th [1] 136/4 August 28th [1] 180/3 AUSAs [1] 125/11 author [2] 177/11 178/1 auto [1] 66/2 automatic [5] 36/5 36/23 44/23 52/8 52/9 automatics [1] 52/16 automobiles [1] 81/22 automotive [3] 66/12 77/13 87/16 available [4] 19/8 167/16 168/21 171/12 Avenue [5] 67/22 85/9 85/20 151/23 152/18 average [1] 17/12 aware [3] 137/14 138/2 192/13 away [3] 137/1 160/7 183/15 Awesome [1] 164/8</p>	<p>B B-74 [1] 107/17 back [64] 3/13 8/25 15/16 29/7 29/9 34/5 36/12 36/13 37/9 37/9 43/10 54/5 77/20 79/4 79/5 79/23 80/1 80/12 81/5 81/17 81/20 85/14 86/6 86/8 90/22 92/9 94/24 100/12 108/4 111/12 113/21 114/2 115/7 115/12 115/18 116/1 119/19 119/24 128/6 128/8 131/2 131/13 132/2 135/8 135/11 135/16 135/19 135/20 136/4 136/10 136/12 136/21 136/23 141/13 142/23 152/20 153/12 161/1 166/23 168/24 169/23 170/8 171/16 180/13 background [4] 23/11 66/14 91/7 178/10 backup [6] 20/11 153/14 153/15 155/21 156/4 157/1 bad [1] 10/8 bag [16] 161/14 161/17 161/17 169/15 184/16 184/17 184/17 184/18 200/2 201/7 201/8 202/1 202/2 202/7 202/12 202/14 baggie [1] 160/23 baggies [1] 201/9 bags [2] 167/24 201/9 bailed [1] 94/8 BAILEY [84] 1/5 1/17 21/21 25/11 26/15 62/12 72/22 73/7 73/11 73/14 73/18 73/21 73/25 74/2 74/4 74/6 74/7 75/11 76/5 76/12 76/14 76/23 77/8 77/9 77/11 77/22 78/3 78/6 78/8 78/10 79/2 79/7 79/18 81/6 81/16 82/19 82/24 83/7 83/11 84/5 84/8 84/9 85/5 85/22 86/2 86/22 87/24 89/24 90/1 90/3 90/8 90/15 91/9 91/19 92/19 92/20 92/23 92/24 93/6 93/12 93/25 94/21 95/17 95/20 95/25 96/8 96/11 96/12 97/3 99/1 102/21 103/15 107/5 123/6 126/12 128/3 129/13 129/23 130/22 133/19 134/20 135/10 141/19 175/5 Bailey's [11] 28/17 75/15 81/16 90/23 94/12 94/16 95/12 96/21 126/6 127/10 132/1 bails [1] 94/7 ballistics [7] 3/8 3/15 3/19 13/23 14/23 16/10 20/22 balls [1] 71/21 Baltimore [30] 1/9 1/25 29/25 30/18 30/19 30/22 32/15 32/15 32/16 33/17 33/20 39/8 63/22 66/25 67/1 100/12 121/22 149/13 149/18 149/19 150/1 158/21 161/14 181/7 181/10 192/14 192/14 198/7 198/10 202/22 Baltimore City [4] 32/15 33/20 161/14 192/14 Baltimore City Police [1] 29/25</p>
--	--	---

B	Case 1:16-cr-00267-LKG Document 1354 Filed 11/21/19 Page 211 of 244	148/9 148/10 148/12 149/2 149/21 152/4 152/21 154/21 161/25 162/5 162/11 165/13 167/11 169/2 171/12 171/12 179/15 181/25 185/17 185/18 185/24 188/2 188/6 188/24 188/24 189/1 192/7 192/16 193/19 193/23 196/24 197/18 201/14 203/20 203/21 203/24 204/5 204/17 204/18 204/25 bear [1] 48/1 beat [1] 133/14 beaten [1] 133/14 because [36] 4/15 5/13 5/17 5/20 5/24 6/1 13/23 15/11 20/24 21/25 53/21 57/22 64/5 66/17 81/7 82/9 83/5 84/3 87/1 89/17 100/25 106/2 106/17 115/20 124/5 127/20 129/14 136/15 143/14 148/5 148/15 154/7 173/19 185/2 188/20 202/17 become [11] 16/11 68/11 68/13 101/6 159/8 159/11 159/14 164/25 165/7 165/15 170/24 bedroom [1] 201/4 beef [1] 95/6 Beefin' [1] 176/22 been [65] 3/24 6/7 10/10 10/10 11/22 17/5 17/20 17/23 18/25 19/13 19/17 20/6 20/8 20/8 23/3 23/6 23/7 23/8 30/12 31/16 32/9 32/14 33/16 33/22 34/7 61/24 64/5 65/10 65/12 66/6 87/16 90/7 91/17 91/17 92/17 93/16 94/11 94/12 104/13 125/2 126/9 132/4 132/7 141/1 142/3 142/13 142/15 147/1 148/3 148/6 149/19 150/9 151/11 158/21 159/6 162/8 179/9 185/25 188/14 189/18 194/3 198/10 203/19 204/4 204/14 before [26] 1/11 15/4 23/25 26/23 27/14 29/2 30/15 30/17 49/25 60/10 60/15 60/23 62/2 62/17 92/17 98/5 109/16 125/2 136/2 141/1 148/11 162/11 179/15 193/7 196/5 201/16 began [1] 194/6 beginning [8] 26/24 91/2 108/15 158/17 174/12 175/20 176/6 176/12 behalf [2] 21/21 24/5 behind [2] 91/16 169/24 being [28] 13/22 15/9 16/17 34/1 37/14 47/15 55/20 70/21 70/23 71/2 71/5 71/6 71/13 71/19 71/20 71/20 81/19 83/5 84/11 84/24 87/16 90/17 105/9 105/9 111/2 117/13 118/10 134/16 believe [67] 5/4 18/6 19/15 19/17 20/20 21/6 21/6 23/4 23/18 23/21 24/4 25/12 25/24 26/14 27/5 27/19 27/23 28/22 35/10 40/20 45/19 54/1 54/5 60/7 62/12 69/1 69/8 70/3 71/18 73/22 74/16 79/2 80/14	81/22 85/25 86/16 86/20 89/23 91/13 92/17 97/18 98/19 103/2 107/20 107/24 109/16 111/9 112/11 113/11 116/5 116/11 119/24 123/5 127/8 127/16 133/16 135/9 144/11 144/22 169/9 174/6 175/5 187/21 199/15 201/13 202/2 203/25 believed [1] 140/9 believes [3] 16/19 90/5 90/13 bell [1] 177/16 belonged [1] 142/13 belonging [2] 73/18 102/21 below [13] 85/9 163/5 163/9 163/12 163/17 164/10 166/1 166/17 166/25 167/14 168/2 169/17 187/8 bench [9] 58/17 58/18 59/5 145/20 147/15 153/23 155/6 196/19 197/12 benefit [4] 65/15 65/17 82/22 84/5 Beretta [1] 31/17 beside [1] 69/20 besides [1] 27/24 best [6] 3/4 167/24 204/4 204/7 204/9 204/15 Best-laid [1] 3/4 bet [1] 166/19 better [5] 91/1 167/20 171/21 174/6 197/8 between [11] 13/4 35/24 48/24 58/24 68/19 72/14 73/12 103/21 104/9 135/25 194/6 beyond [6] 15/10 17/4 17/11 28/6 58/19 62/24 big [1] 118/21 bills [1] 164/1 binder [2] 107/18 179/14 Bino [5] 121/2 121/3 121/7 121/12 121/16 bipolar [2] 66/18 66/19 bipolar disorder [1] 66/19 bit [10] 14/5 30/2 31/11 39/8 54/23 66/10 71/16 77/15 85/18 196/24 Bitch [1] 23/12 black [15] 9/13 9/15 9/17 27/6 27/8 41/25 42/18 111/5 116/10 116/10 155/23 156/5 156/12 158/1 158/3 blackjack [6] 78/16 130/8 135/16 136/10 137/1 137/2 BLAKE [1] 1/11 blanket [1] 61/16 blind [4] 7/11 10/15 18/1 19/16 block [3] 41/16 70/3 70/4 Bloods [3] 68/5 68/6 68/7 blow [1] 176/15 blue [8] 67/15 83/16 97/16 97/17 97/23 97/25 118/8 152/10 Blue Fountain [5] 67/15 97/16 97/17 97/23 97/25 blue-colored [1] 118/8 blunt [1] 171/8 blurred [3] 141/6 141/9 141/10
---	---	--	--

B	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 212 of 244
blurry [1]	152/21
Bo [29]	23/12 90/1 91/10 111/25 112/1 112/3 112/5 112/9 112/12 112/16 112/20 113/1 113/7 113/16 113/20 114/2 114/24 115/5 115/6 115/15 115/16 115/17 116/2 116/3 116/6 116/12 116/17 140/1 141/13
Bobby [4]	107/3 107/6 107/11 109/11
Bobby Shmurda [4]	107/3 107/6 107/11 109/11
bodies [1]	9/12
body [2]	46/8 47/19
bomb [1]	166/15
Boojoie [1]	99/15
book [1]	184/18
bosses [1]	176/2
both [13]	7/4 7/16 7/17 8/8 10/10 10/18 19/10 21/18 44/14 49/7 50/11 50/20 50/25
bottle [3]	158/2 158/3 159/18
bottom [5]	171/14 173/9 174/13 175/19 178/12
Boulevard [7]	150/18 150/19 150/25 151/12 151/14 151/22 182/18
box [4]	9/13 9/15 9/17 24/3
boxes [6]	23/20 23/22 24/7 24/18 24/20 24/23
boy [4]	165/7 165/10 165/12 167/12
boys [2]	72/7 164/21
BP [14]	41/15 49/1 51/4 57/23 67/13 115/1 152/15 153/1 169/7 169/10 171/6 175/7 178/9 178/10
BPD [4]	7/4 7/9 30/24 39/8
BPD's [2]	9/25 30/12
bread [1]	164/8
break [14]	22/8 60/3 60/10 92/17 109/16 136/14 145/22 145/23 146/2 146/3 147/13 147/17 165/21 165/23
breaking [1]	89/6
breech [14]	8/3 36/13 37/10 37/12 39/5 43/22 44/14 44/17 46/25 49/11 49/18 49/18 55/21 55/22
breech face [13]	8/3 36/13 37/10 37/12 43/22 44/14 44/17 46/25 49/11 49/18 49/18 55/21 55/22
breech-face [1]	39/5
Brian [2]	2/2 134/11
Brian Johnson [1]	134/11
Brian Sardelli [1]	2/2
brief [7]	6/7 8/11 9/2 9/2 9/19 11/16 13/5
briefed [1]	3/22
briefly [7]	7/3 11/14 58/8 143/9 144/8 145/18 196/18
bring [9]	12/23 60/23 62/2 104/11 135/11 135/16 136/10 136/11 136/23
bro [2]	167/2 195/17
brother [1]	102/6
brought [3]	70/11 79/20 79/20
brown [1]	171/17
brownish [2]	201/10 201/13
bruh [3]	167/16 168/20 171/11
Bud [1]	166/12
bulk [1]	81/4
bullet [10]	35/24 37/10 37/18 37/20 37/21 38/21 45/23 45/24 50/22 57/14
bullet's [1]	36/11
bullets [25]	5/4 15/13 30/5 37/16 37/17 37/22 38/5 38/11 38/15 39/2 42/9 46/8 47/19 47/23 48/20 49/2 50/19 50/20 50/20 50/25 53/24 54/4 54/14 57/12 57/20
bullshit [1]	104/2
burden [4]	12/15 61/3 61/9 62/24
burden-shifting [1]	61/3
Bureau [1]	162/3
burns [1]	36/9
bus [3]	100/14 100/23 100/24
business [32]	23/21 23/23 24/1 24/7 24/20 24/23 24/25 25/2 81/1 98/3 104/21 133/22 172/19 173/19 173/23 174/2 174/9 174/17 174/18 175/1 175/1 175/10 175/11 175/16 175/23 175/24 176/5 176/10 177/10 177/25 178/5 178/16
businesses [2]	83/6 115/20
button [3]	42/18 80/11 112/8
button-down [2]	80/11 112/8
buy [5]	81/11 87/18 116/15 131/18 170/6
buying [2]	81/4 82/7
C	
cabinet [3]	199/23 200/1 200/2
calculate [1]	137/7
caliber [14]	30/10 43/19 45/19 45/19 45/22 46/20 53/24 54/3 56/15 57/20 57/23 155/24 201/8 202/3
caliber .40 [2]	43/19 46/20
calibers [1]	57/19
call [48]	9/13 14/4 14/6 14/14 21/9 41/5 61/10 62/17 62/21 63/2 76/17 87/20 87/22 107/16 107/17 107/19 107/24 108/6 108/12 108/13 108/14 108/23 109/7 109/11 110/15 111/10 115/5 115/19 116/2 127/15 146/11 146/13 146/15 146/24 161/19 165/13 168/16 179/1 179/12 179/13 179/21 179/25 193/14 193/14 193/16 194/6 194/17 202/14
Call J-30 [1]	179/12
called [12]	17/25 80/16 85/8 97/17 98/12 115/6 115/25 116/2 142/11 142/22 147/18 149/16
calling [3]	12/1 14/13 197/13
calls [7]	29/12 63/6 87/11 148/24 178/22 197/15 204/17
game [20]	13/8 16/8 85/1 85/14 86/25 93/1 94/24 97/11 98/18 100/10 100/12 107/9 111/19 128/6 128/8 129/13 143/3 161/13 184/3 196/1
camera [2]	8/16 8/17
Cameron [1]	91/17
Cameron Allen [1]	91/17
camouflage [1]	96/7
can [140]	6/12 8/7 10/24 13/13 14/1 14/2 14/9 14/14 16/11 18/25 19/10 19/11 20/3 22/3 22/8 22/10 26/21 27/13 29/1 30/1 31/11 33/11 35/20 36/4 37/6 37/7 37/23 37/24 38/14 40/25 41/4 42/13 44/3 44/8 44/10 44/10 48/2 49/13 50/3 50/3 53/8 56/11 57/4 59/12 60/12 60/14 62/10 66/9 67/25 72/24 73/19 74/19 75/6 77/11 77/18 80/5 83/13 83/17 84/15 84/22 85/7 86/11 86/24 87/14 87/20 87/22 87/23 88/11 90/21 91/8 91/25 91/25 93/8 94/3 95/15 96/2 97/5 97/20 102/24 107/8 107/23 111/4 114/17 114/25 115/12 116/14 116/15 129/6 129/6 129/8 137/7 138/10 143/18 145/18 145/23 149/15 150/15 151/8 152/8 152/22 154/10 154/16 156/10 156/23 157/19 159/12 160/7 162/21 163/25 164/5 164/24 165/22 167/1 167/12 167/13 167/24 169/15 169/15 169/25 170/5 170/20 174/9 174/19 175/11 175/25 176/12 176/24 177/14 178/8 178/17 179/24 187/25 189/1 193/18 197/2 198/8 202/11 202/17 204/11 204/19
can't [19]	5/23 5/24 6/13 11/2 11/2 13/16 14/24 14/25 15/5 38/17 38/18 57/21 104/20 111/6 133/4 138/8 154/22 178/19 204/12
cannot [1]	22/3
capable [1]	56/13
capsules [1]	201/9
caption [1]	178/12
car [42]	22/23 26/24 83/10 83/18 84/1 84/6 85/13 85/23 89/25 96/10 98/19 99/12 99/14 99/19 110/22 111/2 116/7 116/9 123/6 124/1 124/5 124/17 128/6 131/21 131/22 132/19 154/10 182/23 183/7 183/8 183/9 183/10 183/11 183/11 183/14 183/15 183/20 184/3 184/6 184/7 188/9 189/14
card [14]	137/11 137/15 137/23 137/24 138/7 138/17 138/21 138/23 139/3 139/5 139/6 143/15 143/18 153/11
care [6]	82/9 94/24 95/6 95/8 95/13 106/20
career [3]	33/16 33/17 198/13
careful [3]	12/15 21/25

C	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 213 of 244	79/3 79/8 79/19 109/18 124/9 124/10 124/11 124/13 129/24 130/7 135/10 135/14 136/19 137/5 137/19 138/6 138/17 139/12 143/9 144/20 casinos [1] 132/17 casts [1] 9/11 categories [1] 204/5 CATHERINE [1] 1/11 caught [1] 100/6 cause [3] 185/11 190/7 192/25 caused [1] 24/23 CC [8] 41/4 41/6 41/8 43/11 50/14 53/25 54/8 54/8 CCB [1] 1/4 CCB-16-0267 [1] 1/4 CDF [1] 121/25 CDS [4] 200/9 201/9 202/19 202/25 cell [20] 72/12 74/17 75/18 110/16 159/25 160/3 160/6 160/9 160/17 162/2 162/3 162/7 162/8 162/9 162/10 177/22 184/22 186/25 189/20 189/22 cell phone [4] 160/17 162/8 177/22 189/20 cell phones [8] 72/12 159/25 160/3 162/2 162/3 162/10 184/22 186/25 CELL-19 [1] 110/16 CELL-2 [1] 162/9 cent [1] 79/6 center [1] 155/23 central [1] 41/5 certain [7] 6/12 13/16 14/10 81/20 126/12 190/11 190/14 certainly [17] 8/7 9/15 13/13 14/1 16/13 18/9 19/10 23/8 26/23 28/18 32/21 33/16 89/21 147/12 148/13 154/2 204/7 certainty [22] 4/3 4/18 5/1 5/7 6/9 6/22 6/23 13/11 13/12 13/22 13/22 14/2 14/19 14/22 15/16 15/18 16/1 16/9 20/16 20/18 20/23 21/1 certification [1] 39/17 certified [13] 7/9 7/10 17/24 18/5 23/21 39/10 39/12 151/10 151/11 162/8 172/19 179/11 205/19 certify [1] 205/14 cetera [1] 38/5 chain [4] 107/12 107/21 107/21 109/14 chains [2] 108/7 108/10 challenged [1] 20/3 challenges [3] 11/19 18/18 203/22 chambered [3] 36/7 44/24 47/15 chambers [1] 36/16 Champagne [6] 96/15 126/3 126/5 134/4 134/6 134/7 chance [4] 7/2 14/11 156/21 196/21 changed [1] 39/16 characteristic [1] 48/2 characteristics [1] 48/1 charge [1] 81/10 charged [3] 62/9 64/9 185/3 charges [8] 64/15 185/2 185/6 185/14 185/23 186/5 186/10 187/1 cheap [1] 131/18 check [5] 17/25 18/2 34/7 102/25 176/3 checks [1] 153/17 chemical [2] 11/2 11/9 Chesapeake [1] 121/24 Chesapeake Detention [1] 121/24 Chief [1] 11/18 Chief Judge Wilkins [1] 11/18 chillin' [2] 97/7 195/19 choice [1] 63/4 choppa [1] 176/23 Christian [1] 2/15 Christian Aanonsen [1] 2/15 Christina [1] 1/15 Christina Hoffman [1] 1/15 Christopher [1] 2/12 Christopher Davis [1] 2/12 chubbier [1] 111/8 Circuit [2] 12/3 12/9 Circuit's [1] 11/15 circumstances [1] 101/25 cited [2] 9/18 11/16 cites [1] 4/11 citing [1] 12/2 city [7] 29/25 31/15 32/15 33/20 161/14 176/22 192/14 claim [1] 7/7 claiming [1] 27/8 clarify [1] 179/5 class [2] 48/1 48/2 cleaned [1] 38/10 clear [6] 6/7 80/19 82/13 160/23 162/12 179/15 cleared [2] 44/22 82/16 clearing [1] 82/13 clearly [3] 17/16 20/17 58/21 client [4] 22/22 22/24 23/7 135/9 clip [1] 96/4 clock [1] 169/15 close [3] 9/22 36/19 106/9 closer [1] 12/25 clothes [1] 182/2 clothing [2] 73/4 80/10 club [7] 137/15 138/17 138/20 138/23 139/3 139/5 139/6 clue [1] 194/20 CMS [3] 5/15 8/4 16/21 co [12] 7/11 22/9 24/15 28/22 39/21 39/25 40/3 40/6 40/9 40/12 40/14 91/18 co-conspirator [3] 24/15 28/22 91/18 co-counsel [1] 22/9 co-examiner [5] 7/11 39/21 40/3 40/6 40/14 co-examiner's [3] 39/25 40/9 40/12 Coast [2] 31/15 69/13 coat [2] 181/19 181/25 cocaine [5] 70/24 159/15 171/3 200/9 200/9
---	---	---

C	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 214 of 244
code [2]	174/21 176/25
Cohan [5]	197/15 197/17 197/25 198/5 205/9
coke [3]	87/20 87/21 120/22
collar [1]	115/22
collected [1]	57/20
collectively [1]	79/25
college [4]	33/2 33/5 66/11 66/11
color [5]	83/15 151/13 155/23 156/5 160/18
colored [3]	73/6 118/7 118/8
combination [4]	34/15 39/16 201/17 201/19
come [31]	6/18 15/16 19/11 20/1 22/17 39/17 41/13 43/14 46/2 46/7 46/12 48/23 58/17 69/24 72/16 73/22 80/12 90/12 100/7 100/13 107/16 108/4 111/12 115/4 118/9 153/15 154/14 154/19 154/24 169/7 172/18
comes [13]	11/6 14/14 20/24 30/3 36/12 36/15 37/9 37/9 40/21 41/1 41/6 41/8 57/7
comin' [3]	85/16 86/11 124/7
coming [8]	3/12 44/6 49/25 100/6 153/7 167/11 168/16 182/13
comment [14]	172/25 173/10 174/4 174/13 174/19 175/12 175/20 175/25 176/6 176/12 176/17 177/2 177/6 189/25
comments [1]	193/11
committed [2]	105/21 123/20
common [1]	48/11
commonly [3]	25/23 48/9 200/8
communicate [1]	73/25
communication [1]	110/9
communications [2]	190/21 191/5
community [2]	12/11 149/24
compare [2]	53/23 54/3
comparison [13]	37/25 38/9 38/12 39/20 39/23 40/10 43/22 44/8 45/10 48/24 49/23 50/9 59/8
comparisons [5]	4/6 30/7 30/9 35/17 51/10
compelling [1]	9/18
compilation [1]	34/13
complaint [1]	41/5
complete [4]	66/11 124/4 160/10 185/13
completely [1]	3/21
complex [5]	97/6 97/14 97/15 97/17 98/1
complicated [1]	16/12
component [1]	38/24
components [10]	6/18 13/8 30/5 30/7 33/6 35/18 37/5 59/9 59/9 160/12
conceded [1]	4/17
concern [1]	15/3
conclude [1]	47/25
concluded [7]	45/13 48/13 51/2 59/5 147/15 155/6 197/12
conclusion [10]	4/6 5/11 6/17 38/23 38/25 40/15 45/13 48/12 49/10 50/24
conclusions [22]	4/22 8/19 10/25 11/4 13/7 13/19 39/25 40/1 40/3 40/4 43/17 45/5 46/18 47/3 47/22 49/6 49/21 50/12 50/19 51/21 52/4 56/4
conduct [10]	30/7 35/17 38/9 39/20 39/23 40/10 43/24 48/23 59/8 160/19
conducted [8]	32/7 44/8 151/5 151/22 152/16 155/18 162/5 199/21
conducting [14]	30/9 37/24 150/2 150/18 151/9 151/11 151/12 158/24 164/25 165/6 165/16 170/23 200/4 201/12
conference [8]	58/18 59/5 145/20 147/15 153/23 155/6 196/19 197/12
conferred [1]	187/11
confidence [1]	10/3
confiscated [2]	87/4 113/25
connected [3]	27/4 28/5 177/19
connection [1]	28/3
connections [2]	80/15 84/17
consecutively [2]	9/19 19/17
conservative [1]	5/18
consider [2]	35/8 63/3
considered [1]	16/14
considering [1]	16/23
consignment [1]	128/23
consistency [1]	23/16
consistent [3]	5/11 12/5 15/17
consists [1]	35/22
console [2]	155/23 184/7
conspiracy [1]	62/9
conspirator [3]	24/15 28/22 91/18
contact [19]	74/4 74/7 74/9 75/9 76/5 76/12 76/16 87/15 110/14 110/18 110/20 162/21 162/25 163/3 163/10 163/10 163/22 166/15 192/1
contacted [1]	76/14
contacts [10]	74/21 75/24 76/8 76/10 126/13 162/24 163/5 190/14 191/22 192/8
contain [1]	200/8
contain/hold/package [1]	200/8
contained [1]	190/6
containing [7]	160/23 161/17 200/2 201/7 201/8 201/10 202/2
context [2]	165/8 170/25
continue [3]	43/7 92/14 204/7
continues [1]	62/22
continuing [3]	31/23 146/21 178/15
contrary [1]	12/14
control [1]	17/4
controlling [1]	19/22
conversation [12]	27/12 85/13 93/7 93/8 93/25 94/3 104/3 113/16 121/12 121/14 141/16
correlation [1]	193/10
corresponds [2]	192/5 192/15
corridor [2]	150/18 150/25

C	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 215 of 244	192/15 192/25 193/10 196/1 196/4 Davis' [6] 23/18 153/25 160/19 172/13 172/19 180/15 day [23] 68/20 71/7 84/23 85/8 94/24 100/8 137/13 138/2 138/2 139/1 139/3 139/11 146/20 152/11 162/10 167/17 169/13 181/17 187/22 190/3 190/8 193/1 198/24 days [2] 168/7 181/20 deal [2] 21/8 116/12 dealer's [1] 116/15 dealers [2] 165/12 165/19 dealing [2] 4/2 11/1 dealt [3] 95/1 106/19 116/12 dearth [1] 12/2 death [1] 103/3 decades [1] 10/10 December [5] 136/6 137/25 139/1 145/10 198/12 December 18th [4] 136/6 137/25 139/1 145/10 decent [1] 44/12 decision [1] 16/15 def [1] 167/12 defendant [9] 1/17 2/1 2/3 2/6 2/8 2/11 10/24 11/21 152/9 Defendant's [2] 186/1 186/17 defendants [7] 1/6 10/16 61/9 61/20 62/20 63/1 125/8 defense [11] 3/18 11/3 12/22 14/4 14/7 19/7 19/9 20/3 21/9 59/14 204/20 definition [1] 9/15 definitive [1] 7/21 degree [8] 14/19 16/9 18/24 20/18 21/1 66/2 124/1 124/5 delay [1] 3/4 deny [1] 61/4 department [9] 30/4 33/17 39/9 64/3 149/14 149/20 149/22 158/22 198/11 depending [1] 57/4 Depends [1] 36/5 depth [2] 56/23 57/2 depths [1] 57/4 Derran [5] 63/7 63/9 63/12 64/1 205/7 Derran Hankins [4] 63/7 63/9 63/12 205/7 describe [9] 31/11 44/10 67/25 84/22 96/2 100/21 120/15 160/15 171/3 described [5] 37/4 80/20 98/4 165/13 166/15 describes [1] 90/1 describing [1] 14/20 design [1] 53/1 designed [5] 52/12 52/14 52/16 52/19 53/5 desirable [1] 12/5 destroy [2] 37/22 37/23 destroyed [1] 59/10 DET [2] 205/8 205/9 detail [1] 188/4 details [1] 141/11 detained [2] 192/6 199/17
---	---	--

D	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 216 of 244	dollar [2] 79/6 88/21 dollars [3] 81/12 130/5 130/7 Dominick [6] 102/3 102/4 102/8 102/12 102/19 106/19 Dominick Wedlock [6] 102/3 102/4 102/8 102/12 102/19 106/19 Don [2] 31/8 96/21 don't [76] 3/4 8/18 9/1 9/14 10/22 14/8 14/10 16/6 18/1 21/4 21/16 22/7 24/1 26/2 26/20 26/22 27/11 27/23 28/25 42/3 42/5 57/3 57/10 60/9 60/13 61/5 61/15 61/17 62/8 83/4 90/20 90/24 91/15 91/25 95/22 97/16 111/18 112/11 113/12 116/19 116/20 117/5 125/6 133/4 133/20 133/22 134/12 134/13 134/19 134/21 136/7 137/1 137/8 138/20 140/18 140/25 141/2 141/24 142/3 143/11 146/14 152/3 154/1 154/5 157/19 187/21 189/7 191/24 194/9 194/11 195/6 201/25 202/18 204/8 204/10 204/19 done [7] 11/13 19/1 40/11 61/8 92/18 193/19 197/5 Dontray [3] 199/2 199/10 199/15 Dontray Johnson [3] 199/2 199/10 199/15 door [1] 116/10 Dot [23] 73/8 73/9 99/15 100/3 100/19 100/20 101/3 106/3 106/7 106/8 106/10 106/12 106/17 106/25 112/4 115/6 115/14 116/2 116/3 117/3 142/7 142/11 142/22 double [1] 78/17 doubled [1] 130/10 doubt [1] 62/25 Douglas [3] 1/23 205/14 205/18 down [39] 36/11 37/18 44/3 48/7 53/5 57/7 74/23 80/11 94/19 94/25 97/7 99/4 99/12 99/13 104/5 107/10 112/8 124/5 133/3 136/14 152/17 163/9 163/17 164/10 165/22 165/23 166/17 166/25 167/11 167/14 168/2 168/16 169/17 171/4 171/24 174/13 175/15 175/19 178/12 DR [1] 205/4 draft [1] 187/13 draw [9] 43/17 45/5 46/18 47/3 47/22 49/6 50/12 50/20 50/24 dressed [1] 181/19 drive [1] 116/6 driver [3] 151/25 152/5 182/13 driver's [3] 153/10 153/13 183/24 drives [1] 26/16 drivin' [1] 111/2 driving [2] 26/24 183/15 Droid [1] 118/2
---	---	---

drove [6] 25/23 28/14 85/19 99/12 110/22 113/1 drug [31] 68/2 85/3 87/14 150/2 150/6 158/24 159/3 159/20 159/24 164/25 165/6 165/8 165/12 165/16 165/19 165/23 170/24 170/25 191/20 192/1 192/1 192/7 192/16 198/14 198/18 198/20 200/5 200/5 200/10 201/12 202/21 drug-trafficking [12] 150/2 150/6 158/24 159/3 164/25 165/6 165/16 170/24 198/14 200/5 200/5 201/12 drugs [42] 70/10 70/12 70/20 70/20 70/23 70/25 71/2 71/5 71/13 71/19 72/4 72/10 78/9 84/13 84/18 84/20 85/5 86/22 87/5 92/23 93/4 113/17 113/22 114/1 114/11 117/15 117/16 118/23 118/25 120/12 120/13 120/19 120/20 128/3 128/9 128/11 129/17 159/6 159/9 159/11 159/15 198/20 dry [2] 87/1 129/14 dude [2] 97/7 101/1 dude' [1] 100/24 dudes [1] 107/14 due [1] 79/25 dues [1] 93/6 duplicate [1] 69/5 during [17] 25/14 67/11 67/25 73/14 101/5 109/11 125/20 150/17 151/15 155/10 155/15 155/21 160/22 161/7 161/9 181/13 198/13 duties [1] 31/5	eighteen [1] 80/1 eighty [2] 99/3 99/5 either [14] 38/16 54/14 77/13 78/12 96/10 104/5 109/2 113/11 113/25 127/21 140/15 187/2 191/16 197/2 eject [2] 52/17 52/19 ejected [2] 36/14 36/24 ejects [1] 52/9 element [1] 62/24 eleven [1] 112/2 elicit [5] 6/8 6/21 13/12 14/19 20/25 eliminate [1] 27/13 Elita [2] 2/4 139/25 Elita Amato [2] 2/4 139/25 ELMO [1] 42/4 else [26] 3/18 8/24 22/10 34/25 58/5 59/6 59/20 61/18 81/25 85/25 86/2 87/6 87/8 92/2 95/22 99/14 99/19 99/20 115/5 118/18 118/20 129/20 157/24 191/17 194/14 196/10 else's [1] 179/20 eluding [1] 66/5 embedded [1] 25/2 emergency [2] 183/17 183/18 emojis [1] 24/21 emphasis [1] 12/9 employed [5] 30/12 149/12 149/13 158/21 198/6 empty [3] 24/24 24/24 202/13 encountered [1] 194/7 end [7] 15/19 21/20 35/23 35/24 55/19 112/8 128/19 ended [2] 127/7 171/20 ending [13] 43/11 53/25 53/25 54/1 168/19 169/7 169/14 169/20 170/4 170/16 171/5 171/11 171/24 enforcement [10] 30/15 33/23 34/4 34/8 34/14 149/12 149/17 198/6 198/9 198/13 engaged [6] 84/9 94/22 191/20 192/7 192/16 193/9 England [1] 31/19 enough [4] 3/24 81/8 82/10 141/11 entered [4] 29/6 62/14 92/11 148/22 entire [1] 190/23 entirely [1] 14/9 entities [1] 31/19 entitled [1] 205/16 envelope [1] 43/1 envelope's [1] 41/21 envelopes [1] 38/2 envision [1] 14/25 Enzinna [2] 1/18 122/6 equal [1] 11/3 equally [1] 18/14 equipment [1] 183/18 error [22] 9/7 9/10 9/21 9/25 10/2 10/8 10/13 10/16 10/17 11/6 11/8 11/11 11/24 12/20 12/24 13/13 14/7 18/20 18/21 18/24 20/10 20/12 error-proof [1] 11/11 errors [1] 22/13	Esquire [9] 1/15 1/15 1/18 1/18 2/2 2/4 2/7 2/9 2/12 essentially [1] 7/6 establish [2] 190/7 194/14 established [2] 11/24 158/16 establishing [1] 192/24 estimate [1] 135/20 et [2] 1/5 38/5 et cetera [1] 38/5 evaluate [1] 21/15 even [16] 8/6 8/16 10/15 12/5 13/9 18/17 18/18 18/21 20/10 20/12 26/23 98/6 115/23 138/13 138/14 143/6 events [1] 29/8 eventually [1] 153/15 ever [46] 6/14 13/16 32/9 69/11 70/20 83/5 83/10 84/9 84/13 84/20 85/5 89/3 93/5 93/16 93/24 94/11 94/11 94/16 94/21 95/25 96/11 97/2 97/2 100/8 104/13 105/20 107/5 110/9 110/11 110/14 110/20 112/12 112/23 113/8 113/16 117/15 118/18 118/25 120/13 125/2 125/7 127/15 140/6 170/5 188/12 188/15 every [23] 6/13 7/11 7/16 7/16 10/12 10/15 10/24 11/8 18/13 18/14 32/3 39/18 39/18 39/23 39/24 55/12 57/13 57/14 62/24 68/20 137/8 172/5 182/13 everybody [14] 60/2 61/19 71/1 87/17 93/9 93/20 94/5 98/23 98/23 100/24 118/19 118/20 118/22 118/22 everyone [1] 3/3 everything [8] 8/18 34/7 83/6 93/10 94/5 94/6 171/21 202/16 evidence [48] 8/23 10/25 11/4 12/7 12/14 12/17 16/16 16/24 17/3 17/14 17/15 18/9 19/8 22/17 30/3 38/1 38/2 38/2 40/21 40/23 41/6 41/13 42/4 43/15 46/2 46/7 46/13 53/15 55/13 61/10 62/21 63/2 148/2 148/3 148/5 148/11 148/14 148/16 154/20 172/14 172/18 179/10 188/11 188/14 189/5 191/20 202/21 205/3 exact [1] 32/8 exactly [11] 14/25 22/16 26/22 81/18 93/15 120/21 135/12 136/7 136/13 143/20 192/1 exact [1] 133/22 examination [33] 12/14 13/21 19/10 19/24 20/11 20/24 21/8 29/20 30/2 30/13 30/21 31/2 32/22 35/15 39/9 39/21 51/17 53/9 54/14 58/9 59/8 63/15 122/8 135/4 139/21 140/3 144/9 144/22 149/8 180/22 181/14 188/18 198/3 examinations [4] 32/6 33/18 40/10 43/24 examine [10] 5/24 6/13 8/23 10/25 30/3 38/8 43/15 45/2
East [1] 31/15 East Coast [1] 31/15 easy [5] 104/25 105/15 106/20 129/20 133/16 Eddie [1] 152/3 edit [1] 22/13 edition [1] 83/22 education [1] 66/10 Edwards [4] 46/4 51/7 57/24 133/10 effect [1] 51/20 effectively [1] 5/24 eight [5] 8/3 16/20 20/7 50/8 71/21	entire [1] 190/23 entirely [1] 14/9 entities [1] 31/19 entitled [1] 205/16 envelope [1] 43/1 envelope's [1] 41/21 envelopes [1] 38/2 envision [1] 14/25 Enzinna [2] 1/18 122/6 equal [1] 11/3 equally [1] 18/14 equipment [1] 183/18 error [22] 9/7 9/10 9/21 9/25 10/2 10/8 10/13 10/16 10/17 11/6 11/8 11/11 11/24 12/20 12/24 13/13 14/7 18/20 18/21 18/24 20/10 20/12 error-proof [1] 11/11 errors [1] 22/13	entire [1] 190/23 entirely [1] 14/9 entities [1] 31/19 entitled [1] 205/16 envelope [1] 43/1 envelope's [1] 41/21 envelopes [1] 38/2 envision [1] 14/25 Enzinna [2] 1/18 122/6 equal [1] 11/3 equally [1] 18/14 equipment [1] 183/18 error [22] 9/7 9/10 9/21 9/25 10/2 10/8 10/13 10/16 10/17 11/6 11/8 11/11 11/24 12/20 12/24 13/13 14/7 18/20 18/21 18/24 20/10 20/12 error-proof [1] 11/11 errors [1] 22/13

<p>E</p> <p>Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 218 of 244</p> <p>examine... [2] 46/12 47/19 examined [5] 19/9 46/16 50/21 59/12 189/2 examiner [25] 4/5 4/12 4/20 5/6 5/15 7/11 7/15 7/20 8/13 13/6 13/6 16/18 16/21 17/25 19/3 20/3 20/12 39/21 40/3 40/6 40/14 40/17 44/3 59/12 59/14 examiner's [3] 39/25 40/9 40/12 examiners [9] 10/7 10/18 13/19 17/22 18/6 21/5 31/8 31/10 34/11 examples [1] 16/19 exceedingly [2] 10/13 10/20 except [1] 100/3 excerpt [4] 73/18 102/21 189/20 191/5 excerpts [7] 162/8 162/13 172/18 177/21 180/11 190/25 191/4 exchanged [2] 166/6 170/15 exclude [2] 3/23 146/14 exclusion [6] 3/21 5/25 9/6 15/12 15/13 20/17 exclusively [1] 70/6 excuse [10] 18/12 24/10 27/17 49/8 60/3 60/16 89/14 147/21 173/17 204/23 excused [10] 59/23 59/24 145/16 145/17 196/15 196/17 203/10 203/11 203/14 203/16 excusing [3] 89/12 92/6 147/19 executed [1] 199/11 executing [1] 159/5 execution [3] 159/6 198/17 198/24 exhibit [76] 25/4 41/13 41/18 42/8 42/22 43/10 43/13 46/2 46/6 46/7 48/24 73/17 74/17 74/18 75/18 80/4 97/19 101/19 102/15 102/20 105/1 105/11 106/5 107/17 107/17 108/13 110/17 111/3 111/21 114/13 116/22 117/21 120/23 123/3 150/21 152/21 156/7 156/15 157/6 157/8 157/13 158/4 160/6 160/9 162/7 172/6 172/17 173/8 173/12 174/2 174/8 174/17 174/25 175/9 175/15 175/22 176/9 177/1 177/9 177/10 178/4 178/16 179/9 180/13 186/1 186/18 189/22 194/4 197/20 199/5 199/8 200/21 201/22 202/5 202/9 202/11 Exhibit 8 [1] 186/18 exhibits [11] 3/11 4/22 46/10 49/1 60/3 203/12 203/20 204/3 204/5 204/5 204/8 exist [1] 93/18 exit [1] 155/22 expansion [1] 17/3 expect [5] 9/20 53/1 61/5 65/15 65/17</p>	<p>expected [1] 79/4 expecting [1] 42/9 experience [24] 13/15 17/11 17/22 18/4 31/2 35/3 35/9 57/13 150/2 150/5 150/8 153/7 158/12 158/24 159/2 159/5 159/8 159/19 165/6 165/11 165/16 170/23 200/4 201/12 expert [13] 5/13 5/25 10/24 11/19 14/5 14/7 14/25 20/3 21/14 21/16 32/9 32/14 32/18 expert's [3] 4/1 14/11 35/10 experts [7] 7/7 10/9 11/12 11/13 19/7 19/9 21/9 explain [17] 16/7 16/13 22/2 28/7 33/11 37/7 40/20 40/25 48/2 72/3 77/11 77/18 79/21 84/15 95/15 138/22 189/13 explaining [2] 35/20 154/16 explode [1] 36/9 Explosives [1] 162/4 express [3] 20/18 20/23 35/12 extended [1] 96/3 extensive [1] 17/22 extensively [1] 3/22 extent [2] 12/21 14/6 extra [2] 79/6 174/6 extracted [2] 24/22 36/14 extraction [1] 162/9 extraordinary [1] 81/5 eye [1] 54/24 eyeballing [1] 56/18 eyes [1] 82/16</p> <hr/> <p>F</p> <p>F-5 [1] 49/1 F-5-C [1] 49/1 F-5-D [1] 49/2 F.3d [1] 11/16 F071734 [1] 157/21 face [18] 4/21 5/6 8/3 36/13 37/10 37/12 39/5 43/22 44/14 44/17 46/25 49/11 49/18 49/18 55/21 55/22 90/22 100/24 FaceTime [5] 76/18 76/19 76/24 77/1 77/4 facilities [1] 31/21 facility [2] 121/22 121/24 fact [12] 4/5 12/10 12/23 21/13 35/6 58/23 82/11 123/19 136/1 137/4 137/25 154/25 factor [2] 7/14 9/11 factors [3] 9/5 9/7 9/10 facts [3] 185/9 185/23 186/10 factual [1] 13/3 fails [1] 9/23 fair [1] 140/20 fairly [3] 17/19 17/20 20/10 faith [1] 21/8 fall [1] 136/21 Falls [1] 164/17 false [3] 9/20 10/6 124/24 false-positive [1] 9/20 fam [1] 175/14 familiar [12] 58/12 101/6 107/2 159/8 159/11 159/14 165/1 165/7 165/15 170/24 175/6 177/18 far [5] 3/15 32/5 60/9 94/19</p>
--	---

F firearm... [9] 47/16 47/25 48/15 48/17 48/21 49/9 51/5 57/13 97/3 firearms [40] 6/14 9/20 10/22 11/12 15/13 16/18 17/22 20/17 29/25 30/2 30/3 30/4 30/11 30/12 30/21 31/2 31/6 31/16 31/18 31/20 31/22 32/6 32/10 32/19 33/18 34/11 34/16 34/20 35/4 35/18 39/9 95/25 96/2 162/4 187/22 188/9 188/12 188/17 188/21 188/21 firearms-related [1] 30/3 fired [29] 5/4 30/4 30/11 36/14 36/21 36/23 37/2 37/14 38/16 38/16 38/20 38/24 43/20 45/9 45/15 45/17 45/18 46/21 46/24 47/25 48/15 48/16 48/20 49/8 49/19 50/15 51/4 57/14 188/24 firing [33] 4/23 4/24 5/2 5/3 8/4 36/4 36/8 37/4 37/8 39/6 43/23 44/13 44/14 44/15 44/16 45/7 45/8 45/8 45/18 46/25 47/6 47/7 47/10 47/13 48/17 49/11 49/15 49/17 50/8 50/13 50/15 55/21 55/22 firing pin [14] 4/24 5/3 37/8 44/14 45/8 45/18 47/10 47/13 49/15 49/17 50/8 50/15 55/21 55/22 firing-pin [16] 4/23 5/2 8/4 36/8 39/6 43/23 44/13 44/16 45/7 45/8 46/25 47/6 47/7 48/17 49/11 50/13 first [43] 3/8 9/5 17/9 22/5 25/10 28/11 36/5 36/7 43/12 43/14 44/19 44/23 64/21 64/22 67/6 73/11 78/14 88/23 90/21 92/6 96/20 97/22 100/16 106/5 109/21 109/23 112/1 114/17 116/25 120/2 121/3 121/4 148/19 152/2 153/10 156/14 169/19 172/20 179/19 185/5 189/19 190/11 200/18 Fish [1] 134/14 five [11] 9/3 9/6 22/1 44/3 48/4 48/6 48/7 48/10 79/9 167/2 170/16 fixates [1] 10/1 flag [2] 204/5 204/19 flagged [2] 7/1 11/7 flawed [1] 12/22 flee [2] 183/14 183/22 fleeing [1] 66/5 flesh [1] 196/4 flimsy [1] 12/22 flip [9] 77/13 77/16 80/14 131/11 135/11 135/13 135/16 136/9 139/2 flipped [3] 94/17 131/7 132/19 flipping [3] 78/11 131/3 138/1 floater [1] 110/6 floor [6] 1/24 7/23 31/8 200/18 200/19 201/1	flux [1] 204/3 focuses [1] 9/3 focusing [2] 9/11 135/8 folks [1] 29/9 follow [4] 7/8 17/21 17/24 55/15 follow-up [1] 17/21 followed [2] 124/17 183/11 following [1] 123/19 footnote [1] 12/19 force [1] 37/10 foregoing [1] 205/15 forensic [2] 11/8 11/10 Forest [12] 67/2 67/10 70/5 72/15 101/6 106/12 117/8 117/19 119/12 119/13 152/18 169/11 Forest Park [7] 67/2 67/10 101/6 117/19 119/12 119/13 169/11 Forest Park Avenue [1] 152/18 forever [1] 124/6 forget [1] 141/11 form [4] 4/23 12/7 19/15 40/1 formal [1] 122/1 forms [5] 40/4 81/7 81/11 81/14 131/16 forward [2] 36/16 37/11 found [25] 7/12 7/18 16/18 18/21 35/6 44/19 57/23 102/5 106/20 153/25 154/12 157/17 160/22 184/6 184/9 184/10 184/10 184/14 186/25 192/7 200/1 201/6 202/1 202/12 202/19 foundation [1] 158/14 Fountain [5] 67/15 97/16 97/17 97/23 97/25 four [17] 23/19 24/18 24/19 25/7 46/20 46/23 47/7 48/13 48/16 51/5 68/19 68/19 97/12 126/16 126/17 164/13 166/11 Fourth [4] 10/21 11/15 12/3 12/9 Fourth Circuit [2] 12/3 12/9 Fourth Circuit's [1] 11/15 Fox [1] 7/23 FR [6] 80/16 80/21 81/11 81/11 131/16 136/20 FR-19 [2] 80/21 136/20 FR-19s [4] 80/16 81/11 81/11 131/16 fragment [1] 50/22 frame [1] 67/11 Franklin [2] 112/22 112/23 fraud [11] 64/8 64/9 64/13 64/14 64/22 65/23 65/24 123/11 123/14 123/17 123/21 fraudulent [1] 82/11 Frazier [1] 2/11 Frederick [4] 99/1 99/3 99/24 100/2 frequent [1] 127/21 frequented [1] 68/4 frequenting [3] 68/1 73/14 84/3 frequently [5] 18/6 71/19 117/9 118/19 144/23 friend [2] 68/14 73/10	friendly [1] 171/25 friends [2] 68/11 68/13 front [10] 16/16 84/7 84/24 84/25 84/25 96/17 96/19 96/24 152/9 157/20 Frye [1] 17/4 full [8] 29/16 63/11 89/1 143/11 147/6 149/4 149/5 197/24 fully [1] 146/15 function [1] 17/7 functioning [2] 150/25 183/18 functions [1] 18/12 funds [1] 94/9 further [13] 5/3 9/25 12/3 29/1 51/13 59/19 122/3 134/23 139/15 145/13 180/18 196/8 203/3 furthermore [2] 7/9 10/14 future [3] 8/22 8/23 148/2 FYI [1] 164/22 <hr/> G Gale [6] 54/4 54/9 57/19 57/21 58/12 58/23 gallery [4] 60/16 92/6 147/21 204/23 gamble [5] 78/22 78/23 78/25 79/18 82/19 gambled [1] 144/23 gambling [1] 129/25 gaming [1] 137/18 gang [19] 69/11 69/14 69/16 73/22 90/8 90/9 91/7 93/6 93/16 93/18 93/19 93/25 94/22 100/25 101/1 107/14 117/4 122/20 198/9 gang-related [1] 101/1 gangsta [1] 100/21 gas [28] 23/9 26/15 41/15 49/1 51/4 84/23 85/1 90/7 91/10 95/7 102/25 104/11 105/9 112/15 113/6 113/7 113/11 115/1 115/1 117/7 120/7 124/18 152/15 153/1 169/10 175/7 178/9 178/10 gatekeeping [1] 17/6 gather [1] 28/3 gathering [1] 60/2 gave [29] 9/14 79/5 79/25 81/14 81/21 88/4 88/10 88/13 88/15 88/17 88/23 88/24 88/24 88/25 88/25 89/1 115/12 128/18 128/23 128/23 128/24 130/1 130/5 131/1 131/2 131/13 131/13 135/10 135/13 gelcaps [3] 200/3 200/7 202/13 general [8] 7/5 9/8 12/11 18/16 55/12 55/13 200/9 204/4 generally [6] 34/13 39/5 41/25 59/1 61/20 68/23 gentleman [2] 96/15 122/22 gentlemen [7] 29/7 30/1 62/17 89/10 99/13 147/16 203/14 Georgia [1] 104/5 get [67] 3/13 14/5 15/15 26/23 36/16 36/20 60/9 61/17 65/4 74/8 74/10 80/16 84/19
--	--	---

G	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 220 of 244	Government's Exhibit AP-5 [1] 158/4 Government's Exhibit CELL-18 [1] 74/17 Government's Exhibit CELL-19 [1] 75/18 Government's Exhibit CELL-2 [2] 160/6 160/9 Government's Exhibit CELL-2-A [2] 162/7 189/22 Government's Exhibit D-12 [2] 202/9 202/11 Government's Exhibit F-10 [1] 201/22 Government's Exhibit F-10-A [1] 202/5 Government's Exhibit F-16 [1] 157/6 Government's Exhibit F-16-A [2] 157/13 180/13 Government's Exhibit F-17 [1] 156/7 Government's Exhibit F-17-A [1] 156/15 Government's Exhibit F-3 [4] 41/13 43/10 43/13 48/24 Government's Exhibit F-5 [1] 46/2 Government's Exhibit F-5-C [1] 46/6 Government's Exhibit F-5-D [1] 46/7 Government's Exhibit GP-5-A [1] 200/21 Government's Exhibit IC-109 [1] 111/3 Government's Exhibit IC-134 [1] 114/13 Government's Exhibit IC-87 [1] 73/17 Government's Exhibit IC-88 [1] 102/20 Government's Exhibit IND-14 [1] 106/5 Government's Exhibit IND-2 [1] 111/21 Government's Exhibit IND-27 [1] 101/19 Government's Exhibit IND-53 [2] 120/23 199/8 Government's Exhibit IND-58 [1] 105/1 Government's Exhibit IND-60 [1] 117/21 Government's Exhibit IND-7 [1] 80/4 Government's Exhibit IND-81 [1] 116/22 Government's Exhibit IND-84 [1] 105/11 Government's Exhibit IND-94 [1] 102/15 Government's Exhibit JAIL-1 [2] 108/13 179/9 Government's Exhibit MAP-12 [1] 199/5 Government's Exhibit MAP-13 [2] 150/21 152/21 Government's Exhibit SM-10 [1] 172/17
---	---	---

G	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 221 of 244
Government's Exhibit Wire B	
[1] 107/17	guy [5] 97/10 97/12 100/5 100/10 100/25
Government's Exhibits [1]	guy's [1] 99/13
49/1	guys [8] 68/3 68/5 71/24 71/25 87/18 112/19 112/24 118/19
GP [1] 200/21	Gwynn [5] 67/5 67/19 67/22 151/23 164/17
grab [3] 163/25 164/8 167/12	Gwynn Falls [1] 164/17
gram [1] 129/7	Gwynn Oak [2] 67/5 67/19
grammar [1] 22/14	Gwynn Oak Avenue [2] 67/22 151/23
grams [12] 85/15 86/11 86/14 88/9 88/13 128/16 128/18 128/24 129/2 129/11 176/14 203/1	H
great [4] 16/14 21/8 34/22 58/4	H-A-N-K-I-N-S [1] 63/13
greatest [1] 19/23	had [89] 3/4 4/9 4/16 24/20 24/22 38/4 41/22 44/4 44/12 45/7 47/5 48/7 48/17 53/8 53/18 56/13 62/5 71/15 74/14 77/21 77/22 79/5 79/22 80/15 81/20 82/9 82/14 85/12 85/15 86/12 86/25 87/4 87/4 92/17 92/18 92/22 94/11 94/17 95/1 95/17 96/3 98/4 98/7 98/9 99/22 103/17 104/13 106/18 107/9 108/6 108/7 109/14 115/16 115/20 116/15 120/21 124/15 126/25 127/5 127/17 127/21 128/9 129/17 131/22 136/20 140/6 142/12 142/13 142/15 143/10 148/6 148/8 152/11 152/14 153/25 154/13 161/11 169/9 186/9 188/11 188/11 188/14 188/14 191/22 192/24 193/7 193/10 193/12 197/6
greatly [1] 10/8	half [9] 77/20 81/10 81/20 88/17 88/18 88/25 88/25 89/3 152/17
green [2] 96/4 167/7	halfway [1] 102/5
Greenbelt [1] 32/16	halves [2] 167/24 172/1
Greer [5] 122/22 126/2 126/3 126/9 134/3	hammer [1] 36/8
grew [1] 66/24	hand [11] 22/22 28/20 63/8 85/1 85/1 104/18 120/17 123/8 136/15 148/25 197/16
grievance [1] 103/18	handed [1] 128/21
Grimm [3] 4/2 13/2 16/14	handgun [11] 96/4 155/24 156/12 156/19 157/16 161/8 161/11 161/18 161/21 161/24 184/6
grindin' [1] 120/9	handguns [1] 96/3
groove [2] 48/3 57/2	Handling [9] 41/17 46/9 156/9 157/7 186/4 186/21 193/24 201/23 202/10
grooves [4] 37/19 37/19 39/2 48/7	handled [2] 95/7 110/3
group [2] 68/4 69/20	handling [2] 22/19 84/13
groups [1] 72/1	hands [2] 69/18 98/9
grow [1] 63/21	handshake [2] 69/3 69/4
Gs [1] 168/5	handshakes [1] 68/23
guarantee [1] 136/15	handwriting [8] 11/9 11/13 11/20 11/23 12/10 12/18 12/20 12/22
guaranteed [2] 79/23 83/1	hang [6] 70/8 70/9 73/13 106/12 112/20 112/21
guess [12] 3/17 19/1 20/9 23/2 50/7 55/24 57/6 59/25 90/23 120/22 154/7 155/3	hangin' [6] 68/3 68/15 98/2 117/12 117/13 118/15
guilty [8] 64/14 64/17 64/20 64/22 64/25 66/6 123/11 123/14	hanging [3] 25/14 69/20 101/5
gun [33] 16/8 21/7 39/4 44/21 44/24 45/23 52/7 52/20 53/8 53/18 53/20 53/21 96/4 96/11 97/11 98/18 100/24 113/9 113/10 113/14 124/19 140/4 140/7 140/10 140/13 140/20 140/21 147/1 148/6 156/20 156/21 157/3 170/1	Hankins [37] 63/7 63/9 63/12 63/13 64/2 66/24 70/19 71/13
gunpowder [2] 35/25 36/9	
guns [7] 19/18 96/9 96/17 99/22 126/5 148/3 176/15	
gut [1] 75/15	
Gutta [56] 72/20 72/21 72/25 73/1 73/20 73/21 75/2 76/2 81/13 97/9 97/11 98/2 98/12 98/12 98/14 99/4 100/1 100/22	
100/22 101/10 101/16 102/6 102/23 103/6 103/11 103/15 103/15 103/21 103/25 104/1 104/7 104/9 106/2 106/17 106/19 106/25 106/25 107/8 107/20 108/6 109/22 109/25 110/2 110/7 110/14 110/15 111/14 112/18 113/16 113/19 113/23 114/10 114/20 121/6 141/13 141/17	
Gutta's [3] 75/8 75/14 76/11	
gutter [1] 74/24	

H	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 222 of 244	116/16 124/19 127/18 127/20 127/25 131/1 131/7 132/3 134/12 146/14 152/1 152/2 152/3 160/21 161/1 165/3 190/4 199/15 199/15 hisself [1] 116/2 history [2] 66/9 66/10 hit [10] 9/3 24/4 37/22 59/2 72/12 117/18 120/14 161/15 161/16 169/3 Hoffman [2] 1/15 22/19 Hoffman's [1] 61/2 hold [3] 42/13 89/16 200/8 holding [2] 99/4 104/17 homes [1] 198/18 Honda [4] 27/6 27/8 116/6 116/10 Hondas [1] 113/2 honest [1] 171/13 Honor [88] 3/10 3/20 3/22 4/8 5/18 6/6 7/1 11/7 14/24 21/24 22/16 23/2 24/4 24/5 24/10 25/1 25/9 26/5 26/9 27/1 27/15 27/16 27/17 28/1 28/9 28/11 32/17 32/20 34/24 42/7 42/15 51/16 58/21 59/15 60/21 60/23 61/12 61/14 61/23 62/4 62/11 70/16 71/8 86/17 89/8 89/21 89/23 90/20 91/6 92/4 122/3 122/7 133/25 134/23 139/15 139/19 143/23 144/2 144/5 144/8 146/10 146/14 146/16 146/23 147/10 147/14 147/25 153/21 153/24 154/18 158/14 165/3 173/17 178/25 180/21 186/2 186/16 190/25 193/22 194/22 196/8 196/13 197/2 197/19 203/6 203/9 203/19 203/25 Honor's [1] 21/25 HONORABLE [1] 1/11 hood [1] 98/16 hoodie [4] 97/8 97/8 98/4 98/7 hopefully [2] 65/16 136/22 hoping [1] 168/21 hospital [1] 171/21 hour [8] 125/23 145/24 146/1 146/8 151/16 151/16 183/1 183/4 hours [3] 180/4 199/13 204/15 house [15] 94/12 94/16 96/18 96/19 96/24 99/5 99/13 100/4 100/7 100/8 100/10 102/5 126/6 199/21 199/24 housekeeping [1] 61/14 how [93] 12/13 20/5 24/2 24/21 25/22 27/25 28/7 30/12 30/19 31/22 32/2 32/6 32/12 33/8 35/20 36/4 37/24 38/8 40/20 43/2 43/21 44/4 44/9 44/9 44/11 46/23 49/10 63/19 68/9 68/13 68/17 68/21 71/2 71/5 71/5 71/5 71/13 71/18 71/22 73/7 73/13 73/22 73/25 75/2 78/1 78/11 78/15 79/3 79/7 79/10 79/21 81/6 81/17 81/22 82/1 82/18 87/15 88/20 94/14 99/25 100/21 101/9
---	---	---

<p>H</p> <p>Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 223 of 244</p> <p>how... [31] 101/13 102/4 102/10 104/16 105/8 105/18 106/8 110/13 110/24 111/14 111/17 112/3 112/20 113/3 115/25 117/2 117/9 118/9 118/16 121/9 125/22 129/7 131/1 136/13 138/8 145/4 149/19 175/6 177/18 177/18 198/10 Howard [1] 32/15 Howard County [1] 32/15 however [4] 8/10 15/3 37/22 38/4 huh [2] 130/6 130/21 hundred [12] 5/7 6/12 6/22 13/16 15/6 15/20 16/1 16/4 85/15 86/11 86/14 99/5 hundreds [1] 71/21 hung [2] 78/3 99/16 hustle [1] 120/9 hustling [1] 93/4 Hyundai [3] 151/13 182/24 183/3</p> <hr/> <p>I</p> <p>I'd [7] 60/24 61/1 61/10 61/18 146/21 159/17 162/17 I'll [28] 3/17 6/25 22/12 61/4 62/2 62/19 65/4 72/23 92/5 122/5 124/7 136/16 157/21 166/2 166/10 167/11 167/12 167/20 168/16 169/2 169/2 171/22 190/25 195/1 195/1 195/16 196/18 204/23 I'm [147] 3/17 11/13 15/6 15/8 16/4 16/7 16/7 17/7 18/5 20/24 22/16 22/17 27/2 27/7 27/24 28/7 31/8 33/12 35/3 39/15 41/12 42/3 46/1 46/6 47/12 56/23 59/4 67/6 67/17 73/17 74/17 74/22 78/14 80/4 80/12 81/4 89/12 89/21 93/15 97/18 101/19 102/15 102/20 104/18 105/1 107/19 108/15 108/22 109/1 109/6 109/9 110/16 110/16 111/3 111/12 111/21 114/13 114/15 115/21 116/21 119/2 120/23 123/3 125/16 126/1 128/14 131/3 133/5 134/5 136/15 138/7 138/23 144/19 146/16 146/19 147/3 147/6 147/19 149/13 151/10 154/3 156/6 157/5 157/13 157/18 158/4 160/5 162/7 162/21 162/24 163/8 163/20 164/8 164/8 165/2 166/20 167/5 168/4 168/4 168/15 168/16 168/21 170/11 171/5 171/21 172/3 172/17 173/16 174/1 174/8 174/11 174/16 174/25 175/15 175/22 176/4 176/9 177/24 178/4 179/7 179/8 179/12 180/6 180/9 180/13 181/1 181/16 181/22 181/22 183/8 184/10 185/25 186/16 190/6 192/3 195/15 196/23 199/5 199/8</p>	<p>200/20 200/20 201/2 201/21 202/5 202/8 202/14 202/14 I've [15] 20/9 21/7 24/4 31/15 31/16 43/1 62/19 87/16 96/12 110/6 151/11 169/19 176/12 178/17 187/13 I-83 [1] 161/14 IC [7] 24/12 26/13 73/17 102/20 111/3 114/13 123/4 IC-134 [1] 26/13 IC-34 [1] 24/12 IC-87 [1] 123/4 iCloud [8] 3/11 3/14 22/22 22/24 23/1 28/17 73/18 102/21 iCloud account [3] 28/17 73/18 102/21 iCloud.com [3] 163/6 163/6 172/22 ID [1] 180/2 idea [5] 22/4 134/18 143/2 143/7 143/8 identical [2] 6/15 11/18 identification [13] 7/5 10/23 23/19 27/4 31/6 32/10 32/19 35/4 48/5 153/11 179/21 186/1 186/18 identifications [1] 10/6 identified [13] 18/19 42/22 43/11 72/7 73/21 90/7 91/17 91/18 140/1 151/25 152/2 162/9 183/25 identifies [1] 91/10 identify [20] 25/20 25/22 26/7 26/14 37/14 40/21 44/16 47/6 47/9 47/13 47/15 50/18 68/21 69/4 72/17 89/24 90/6 151/19 151/21 202/15 identifying [4] 46/25 49/11 90/4 91/20 identity [4] 64/8 64/9 64/14 194/14 ignites [1] 36/9 illustrative [1] 25/25 image [5] 150/23 156/16 156/18 157/15 158/5 immediate [1] 195/22 immediately [3] 147/2 147/18 154/8 important [5] 7/14 8/10 10/21 11/1 55/11 impose [2] 11/11 13/17 imposed [1] 13/18 imposes [1] 11/5 impressed [1] 37/21 impression [4] 4/23 45/7 47/6 48/18 impressions [13] 5/2 8/4 37/8 39/3 39/6 44/13 44/16 45/9 46/25 47/7 48/3 49/12 50/13 incident [7] 98/22 100/14 100/16 107/5 133/12 134/17 178/23 inclined [1] 62/6 include [2] 25/11 186/25 included [2] 8/8 23/23 includes [2] 3/21 26/6 including [4] 9/19 25/11 25/16 146/9 income [1] 78/8</p> <p>incorporated [1] 146/20 IND [15] 7/23 80/4 101/19 102/15 105/1 105/11 106/5 111/21 116/22 117/21 119/2 119/14 119/24 120/23 199/8 IND-19 [1] 119/2 IND-3 [1] 72/23 IND-32 [2] 119/14 119/24 indeed [1] 19/18 independent [2] 7/11 10/18 INDEX [1] 205/3 indicate [5] 5/13 73/3 80/9 112/7 118/5 indicated [4] 3/22 52/6 54/12 168/3 indicates [1] 5/1 indicating [31] 42/12 51/22 67/12 67/13 67/14 67/21 67/22 73/5 97/21 97/22 118/6 151/3 152/24 162/19 164/11 172/21 173/13 174/5 174/14 175/13 176/1 176/7 176/13 176/21 177/4 178/18 179/25 181/2 183/25 191/25 192/25 individual [9] 91/16 108/6 109/13 109/17 172/23 173/6 173/23 175/2 175/7 individual's [1] 153/13 individually [1] 201/10 individuals [8] 25/14 25/19 70/4 70/5 70/19 74/5 80/24 200/19 indulgence [3] 58/1 134/1 143/22 industry [3] 66/12 66/13 87/16 infer [1] 5/8 inflated [1] 10/8 information [11] 5/12 5/17 25/2 125/7 133/5 141/17 143/14 190/6 203/20 203/22 203/24 inherent [1] 20/21 initial [1] 24/19 initially [2] 17/2 84/2 initials [4] 38/5 40/22 41/2 42/1 injured [1] 98/20 Inmate [2] 180/1 180/2 Inmate ID [1] 180/2 innocent [1] 62/22 inositol [2] 158/11 159/18 ins [1] 144/14 inserted [1] 36/7 inside [9] 36/12 98/9 111/5 153/8 155/20 160/11 160/23 161/12 199/14 inspect [1] 39/18 inspections [1] 39/18 Instagram [24] 172/14 172/19 173/18 173/23 174/2 174/9 174/17 174/18 175/1 175/10 175/11 175/16 175/23 175/24 176/5 176/10 177/2 177/10 177/25 178/5 178/16 180/10 192/18 192/21 instance [11] 4/14 5/14 17/18 20/4 33/2 53/5 56/10 56/11 56/22 57/2 57/18</p>
--	---

I	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 224 of 244	<p>69/15 70/3 79/5 80/22 81/18 87/8 87/17 87/20 87/21 90/3 97/16 102/19 104/20 129/20 131/20 133/6 133/7 133/8 134/22 141/1 141/3 143/18 146/2 147/11 149/5 149/16 152/16 152/17 153/24 156/24 160/10 160/10 160/17 162/20 177/9 177/10 182/23 183/3 185/7 185/8 185/18 187/4 187/7 192/1 197/25 item [1] 42/1 items [5] 38/6 54/16 55/14 158/8 190/11 its [8] 9/2 9/21 17/16 19/7 52/9 62/23 62/23 181/13 itself [3] 10/4 18/18 53/3 IX [1] 1/13</p> <hr/> <p>J</p> <p>J-31 [1] 108/13 J-A-M-E-S [1] 29/17 J-O-S-E-P-H [1] 198/1 J-Rock [1] 95/22 Jack [4] 95/22 99/15 111/6 120/5 jacket [2] 50/22 152/10 jail [11] 108/13 108/13 108/14 178/22 179/1 179/9 179/10 179/11 179/13 193/14 193/14 jail call [6] 108/13 108/14 179/1 179/13 193/14 193/14 jail calls [1] 178/22 Jamal [1] 2/6 Jamal Lockley [1] 2/6 James [9] 29/12 29/13 29/17 32/18 46/4 51/7 133/10 205/5 205/6 James Edwards [3] 46/4 51/7 133/10 James L. Wagster [1] 29/17 James Wagster [5] 29/12 29/13 32/18 205/5 205/6 jammed [2] 44/21 52/7 January [1] 54/5 January 14th [1] 54/5 Jay [2] 122/22 134/3 Jay Greer [2] 122/22 134/3 jelled [1] 168/10 jewelry [1] 107/22 job [1] 78/6 Joe [1] 197/15 Joe Cohan [1] 197/15 Johnson [18] 4/8 5/14 6/20 6/25 7/6 7/12 7/12 7/15 7/18 7/20 7/22 11/6 16/22 134/11 199/2 199/10 199/15 201/17 join [4] 24/6 24/11 61/15 61/18 joined [1] 11/17 joins [1] 61/19 joking [1] 104/18 Jones [4] 180/1 194/9 194/24 195/9 JOSEPH [3] 197/17 197/25 205/9 JOSEPH COHAN [2] 197/17 205/9 journal [1] 19/13</p> <hr/> <p>justice [1] 12/1 juvenile [1] 173/14</p> <hr/> <p>K</p> <p>keep [3] 78/18 94/6 148/16 ken [1] 17/11 kept [1] 97/10 kidding [1] 147/4 kidnapped [2] 106/3 106/18 kids [1] 141/3 kill [3] 103/7 103/12 121/19 killed [4] 106/3 106/21 134/14 134/16 kind [27] 8/25 9/3 23/16 25/23 70/9 71/19 85/3 93/7</p>
---	---	--

K	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 225 of 244	43/2 57/18 130/5 130/20 137/13 148/17 202/14 lets [1] 38/13 lettin' [2] 166/2 166/9 level [13] 4/18 6/9 6/22 6/23 10/3 13/12 14/2 15/16 15/18 20/16 20/22 159/24 165/23 Lexus [3] 82/14 82/15 83/14 Lexus LS 460 L [1] 83/14 Liberty [5] 67/5 67/19 72/14 72/14 110/7 Liberty Heights [4] 67/5 67/19 72/14 110/7 Liberty Road [1] 72/14 license [8] 116/15 152/1 153/10 153/13 153/17 153/25 154/12 183/24 lie [1] 65/21 lien [3] 82/13 82/14 82/16 liens [1] 82/13 life [1] 124/19 light [2] 21/24 118/7 light-colored [1] 118/7 lights [2] 183/17 183/18 like [106] 4/3 6/5 7/15 7/20 9/24 10/11 11/21 13/10 14/23 21/15 22/22 23/10 23/12 33/5 41/1 41/25 48/4 53/20 54/21 54/22 57/8 57/10 58/24 60/15 60/19 60/24 61/1 61/6 61/7 61/11 61/24 67/25 69/2 69/12 69/13 69/15 69/15 69/18 69/23 70/9 70/10 71/1 71/7 72/13 73/6 73/10 78/23 79/14 79/14 80/16 81/8 82/9 87/12 88/6 88/11 92/14 93/11 94/7 94/7 94/19 94/25 96/5 96/7 97/12 98/3 99/5 100/6 100/7 100/21 100/22 100/23 104/12 104/18 104/19 104/20 106/9 110/2 110/6 111/6 112/2 112/2 112/23 112/23 113/9 113/12 115/23 117/1 117/18 118/7 118/20 118/21 138/22 140/6 141/14 146/3 147/16 152/25 158/18 159/15 159/17 162/17 171/13 193/16 196/24 200/14 201/10 liked [1] 88/8 likely [3] 3/23 10/5 57/23 Lilsid5200 [1] 162/23 limine [1] 146/14 limit [6] 3/23 9/12 9/16 13/22 13/24 14/22 limitations [6] 3/25 4/1 5/10 5/20 21/3 22/3 limits [2] 14/17 20/21 line [4] 44/3 56/12 84/25 194/24 lines [3] 6/24 49/20 56/19 linked [1] 27/24 list [2] 74/21 204/8 listed [1] 33/17 listen [3] 35/8 178/22 193/13 literature [2] 13/15 19/14 little [26] 14/5 23/20 23/22 24/11 27/11 30/2 30/14 31/11 42/5 49/15 49/16 54/23 66/10 69/15 71/16 77/15 85/18 85/23
K	knowing [1] 14/24 knowledge [25] 52/16 71/9 71/10 76/6 78/6 78/8 103/17 103/19 106/11 127/11 133/18 133/23 134/21 141/24 141/25 142/1 142/3 143/6 144/14 144/17 145/21 146/18 148/1 154/1 154/7 158/13 159/20 159/21 165/12 166/2 166/9 166/21 191/24 192/1 193/19 194/9 194/11 194/19 195/6 201/25 204/9 204/19 204/22 knowing [1] 14/24 knowledge [25] 52/16 71/9 71/10 76/6 78/6 78/8 103/17 103/19 106/11 127/11 133/18 133/23 134/21 141/24 141/25 153/6 158/12 159/19 161/11 165/11 189/5 190/22 191/16 192/4 196/1 known [10] 6/18 6/21 7/10 9/10 13/9 38/25 46/4 121/24 126/3 165/13 knows [2] 26/16 28/13	
L		
L.	L. [1] 29/17 lab [6] 7/4 7/9 7/9 17/24 18/5 202/22 laboratories [1] 9/24 laboratory [2] 39/10 39/17	ladies [6] 29/7 30/1 62/17 89/10 147/16 203/14 laid [1] 3/4 Lamont [3] 7/4 7/16 8/8 Lamont's [1] 6/9 land [5] 37/1 39/2 48/3 53/2 57/2 lands [3] 37/19 37/19 48/7 Lane [2] 94/25 95/3 language [6] 5/1 6/1 12/13 13/25 15/4 20/15 lapse [1] 131/22 large [2] 9/12 49/20 Lashley [4] 180/3 194/11 195/5 195/15 last [9] 63/12 83/21 125/17 149/6 152/3 166/19 193/13 196/4 204/3 later [11] 44/2 81/15 90/12 91/6 102/5 102/6 152/1 162/3 167/22 168/7 171/12 latter [1] 91/9 Laughter [1] 195/12 launder [2] 131/1 131/8 laundering [2] 129/22 131/4 Lauren [1] 1/15 Lauren Perry [1] 1/15 law [8] 30/15 33/23 34/4 34/8 34/14 149/12 198/6 198/13 law enforcement [8] 30/15 33/23 34/4 34/8 34/14 149/12 198/6 198/13 laws [2] 150/6 159/3 lawyer [1] 12/23 laying [1] 148/3 lays [1] 9/6 leader [4] 72/17 73/22 73/23 84/12 learn [4] 100/16 104/8 110/4 112/9 learned [4] 100/13 101/24 101/25 103/2 lease [2] 83/10 84/1 least [13] 8/2 8/3 16/18 16/20 17/13 17/14 20/8 31/1 55/13 62/7 170/6 194/17 197/4 leave [5] 37/5 37/8 70/14 70/14 70/15 leaving [2] 104/5 110/7 led [2] 69/1 69/8 left [14] 5/21 14/21 37/17 52/23 60/4 89/13 98/23 98/24 123/8 147/20 162/25 173/6 173/24 175/17 legitimate [7] 81/1 82/4 82/10 83/1 83/3 83/8 115/20 legitimize [1] 115/22 length [3] 9/2 56/12 189/18 lengthy [1] 33/16 lenient [3] 65/4 65/5 65/18 less [4] 10/19 79/9 82/21 152/17 let [24] 16/13 22/18 27/13 31/16 34/7 52/14 62/18 85/16 85/18 86/13 87/2 89/6 97/12 98/13 103/8 104/19 106/4 106/5 119/19 130/4 156/14 157/14 166/21 204/21 let's [10] 3/13 22/9 42/20

little... [8] 117/13 135/22
 145/22 151/2 152/21 166/20
 190/15 196/24
 live [31] 30/6 41/14 41/23
 44/18 44/19 45/2 45/5 45/14
 46/3 47/1 47/1 47/4 47/5
 48/14 48/17 48/20 48/25 49/2
 50/11 50/12 50/14 50/17 51/3
 51/6 137/5 137/19 138/17
 139/12 143/11 143/14 201/7
 load [2] 36/6 36/19
 loaded [1] 44/25
 loan [1] 136/11
 located [3] 152/17 199/14
 200/10
 location [4] 70/25 85/19 91/9
 199/3
 locations [1] 25/14
 locked [5] 104/6 127/22
 127/24 135/22 141/2
 Lockley [1] 2/6
 LOL [1] 171/8
 Lombard [1] 1/24
 long [13] 9/2 30/12 30/19
 65/4 81/4 87/17 91/13 125/22
 141/1 145/22 147/1 149/19
 198/10
 longer [1] 82/17
 look [14] 4/9 11/3 38/14
 42/10 44/3 50/7 50/9 52/3
 57/12 57/17 60/15 111/6
 115/23 194/3
 looked [7] 44/11 53/20 54/7
 56/3 97/18 100/4 123/3
 lookin' [1] 99/8
 looking [43] 8/2 8/22 18/11
 44/11 49/14 49/15 50/6 53/15
 54/12 54/19 54/22 55/1 55/4
 55/7 56/7 56/18 57/3 57/13
 57/21 67/9 67/18 72/24 73/19
 74/19 75/6 75/13 78/25 80/5
 90/22 102/22 108/5 110/18
 111/4 116/23 156/10 156/11
 157/15 158/7 171/22 178/6
 199/6 201/24 202/6
 looks [3] 57/8 60/19 152/25
 lose [1] 145/2
 loss [10] 84/17 86/25 87/3
 87/6 113/20 113/24 113/24
 137/10 141/13 142/9
 lost [7] 28/8 137/5 137/15
 137/22 138/17 142/12 145/4
 lot [20] 9/1 19/13 44/13
 50/10 68/2 68/2 71/24 71/25
 73/16 80/15 87/17 97/21 97/22
 98/24 112/24 148/1 173/15
 178/9 181/23 195/25
 love [1] 163/14
 low [5] 10/13 10/20 20/10
 38/12 81/3
 low-powered [1] 38/12
 lower [1] 20/12
 LS [2] 83/14 83/21
 LS 460 L [1] 83/21
 luck [1] 171/21
 lunch [4] 60/10 62/16 89/10
 125/20

Luncheon [1] 92/7
 Luxury [1] 83/22

M

M's [2] 69/2 69/18
 ma'am [120] 30/8 30/23 31/3
 31/24 32/11 33/4 33/7 33/19
 34/9 34/12 34/21 35/19 36/3
 37/3 39/11 39/22 39/24 40/11
 40/19 40/24 41/21 43/16 43/25
 44/7 45/4 45/12 46/11 46/14
 48/22 49/24 50/2 51/1 51/8
 51/11 51/23 52/11 52/18 53/4
 53/16 54/2 54/7 54/11 54/15
 54/25 55/3 55/6 55/21 55/23
 56/9 56/17 56/20 56/24 57/1
 57/9 58/14 59/13 61/21 92/13
 150/4 150/7 150/10 150/14
 150/24 151/4 151/9 151/18
 151/20 152/7 153/6 155/19
 156/2 156/12 156/17 156/22
 157/9 157/21 158/1 158/6
 159/1 159/4 159/7 159/10
 159/13 160/1 160/20 161/5
 162/1 162/6 162/14 163/7
 163/11 163/15 163/19 163/23
 164/4 164/7 164/12 165/9
 165/17 166/7 171/15 173/7
 173/25 174/24 175/3 175/18
 175/21 176/8 176/14 176/19
 177/5 177/13 177/17 178/3
 178/7 178/24 179/17 179/23
 180/12 180/17
 mad [2] 104/3 106/2
 made [21] 4/7 4/24 5/2 10/6
 31/22 47/10 50/13 50/14 65/12
 71/6 82/23 87/11 100/23
 118/16 122/20 131/11 139/2
 139/11 147/3 161/19 171/20
 magazine [2] 36/6 36/6
 magic [2] 14/2 41/25
 Magic Marker [1] 41/25
 mail [3] 172/21 190/18 191/5
 main [1] 37/13
 make [40] 6/14 16/15 20/12
 38/10 38/15 38/23 40/9 43/21
 48/5 49/10 49/21 52/4 54/13
 56/4 60/24 61/1 65/19 79/23
 81/6 83/2 83/2 83/2 83/8 84/2
 84/2 86/12 94/5 115/20 115/23
 120/10 120/11 120/11 130/4
 150/12 152/22 165/22 185/13
 185/14 188/21 189/1
 makes [1] 22/8
 makin' [2] 93/10 104/10
 making [10] 22/22 57/7 69/18
 76/16 76/16 82/11 92/24 94/7
 150/5 159/2
 male [2] 26/20 91/16
 Mall [2] 107/10 107/11
 man [3] 100/22 195/2 195/2
 manufactured [2] 9/20 19/18
 manufacturer [2] 39/3 48/9
 manufacturers [3] 31/16 34/19
 34/20
 manufacturing [1] 31/21
 many [18] 18/18 20/5 32/6
 32/12 38/4 39/18 44/9 44/9
 44/11 61/8 71/5 71/22 73/13

79/7 94/14 112/20 122/13
 200/19
 map [7] 67/6 67/10 67/17
 97/18 150/21 152/21 199/5
 MAP-28 [1] 67/17
 MAP-34 [2] 67/6 97/18
 March [6] 167/5 168/8 168/18
 169/5 169/14 177/3
 March 22nd [1] 167/5
 March 28th [1] 168/8
 March 29th [1] 168/18
 March 30th [1] 169/5
 March 31st [1] 169/14
 March 9th [1] 177/3
 marijuana [8] 70/24 153/7
 154/20 154/25 155/2 160/23
 189/9 189/11
 mark [4] 10/23 31/10 38/3
 38/10
 marked [9] 38/3 41/1 41/6
 41/21 41/24 185/25 186/17
 189/22 194/3
 Marker [1] 41/25
 markings [11] 6/15 7/24 37/5
 37/12 37/17 37/17 44/10 44/10
 44/17 49/13 50/4
 marks [19] 8/7 14/20 16/19
 21/6 34/11 37/13 39/3 39/6
 43/23 44/13 44/14 44/15 44/16
 47/18 49/15 49/16 49/18 49/18
 50/8
 married [1] 102/6
 MARYLAND [16] 1/1 1/9 1/25
 31/7 31/17 80/19 99/1 99/24
 137/5 137/19 138/17 139/12
 143/11 143/14 152/1 199/4
 Maryland Live [6] 137/5
 137/19 138/17 139/12 143/11
 143/14
 mask [1] 158/3
 master [1] 201/4
 match [19] 4/3 4/13 4/20 4/25
 5/23 5/25 7/24 13/10 14/20
 15/5 15/8 15/22 16/3 16/9
 45/8 56/19 57/23 58/23 58/24
 matches [3] 11/19 11/20 20/5
 matching [5] 8/3 8/7 16/19
 20/2 21/6
 materials [1] 133/6
 matter [7] 18/16 19/5 24/21
 61/14 138/13 138/14 205/16
 maximum [1] 20/22
 may [23] 12/20 15/5 32/20
 42/7 44/25 55/18 56/1 56/14
 61/23 63/2 90/12 121/11
 133/25 137/10 142/3 152/21
 153/21 186/2 186/17 193/19
 197/6 201/24 204/5
 maybe [11] 14/13 42/11 50/7
 62/15 92/8 112/15 146/20
 152/16 154/23 156/21 182/16
 me [98] 16/13 17/18 18/12
 20/6 20/8 21/11 22/18 24/10
 25/7 27/13 27/17 34/7 40/16
 47/24 49/8 49/21 52/14 61/7
 62/18 68/15 68/24 73/20 73/24
 74/10 75/6 77/19 79/5 79/25
 80/5 81/12 81/14 81/19 81/21
 82/10 84/16 84/17 85/8 85/8

me... [60] 85/14 85/18 86/25
 87/2 87/18 88/5 88/9 88/17
 88/21 88/23 89/6 89/19 94/4
 94/24 102/11 102/23 103/8
 104/19 105/19 106/4 106/5
 110/2 110/15 115/6 115/6
 116/2 116/2 119/19 120/5
 121/17 128/14 128/19 128/21
 128/23 130/4 131/13 135/12
 135/13 137/17 137/21 138/22
 143/3 152/1 152/10 156/14
 157/14 161/10 164/9 164/16
 166/2 166/9 173/15 173/17
 185/7 185/9 192/12 193/17
 202/16 204/11 204/18
 mean [57] 8/17 15/8 21/14
 24/16 28/20 31/1 42/10 45/13
 47/8 48/6 48/12 48/13 51/2
 68/18 69/15 69/24 70/2 70/14
 71/24 72/3 72/12 77/18 82/6
 83/3 83/21 83/23 87/3 90/21
 90/25 93/3 93/19 95/8 96/6
 99/9 106/18 107/21 113/24
 114/5 117/12 118/19 118/21
 120/15 125/6 125/6 127/12
 129/10 130/15 131/3 131/9
 137/7 141/1 141/4 148/5
 148/13 157/16 161/8 190/24
 meaning [2] 10/7 10/23
 means [8] 4/20 10/15 12/16
 14/13 99/9 127/13 182/10
 194/20
 meant [2] 129/17 133/14
 measure [2] 57/4 137/8
 measurement [1] 56/21
 measurements [1] 56/14
 measures [1] 9/24
 measuring [1] 56/10
 mechanism [2] 37/4 37/5
 Media [1] 23/17
 medical [2] 11/10 20/1
 medication [1] 66/15
 Medley [11] 4/2 4/11 4/13
 5/11 5/19 7/13 13/3 13/4
 13/18 16/14 21/3
 meet [16] 73/7 73/11 85/8
 94/5 109/21 112/1 112/3
 116/25 117/2 118/9 119/7
 120/2 121/3 121/5 125/20
 125/22
 meetin' [2] 98/2 110/7
 meeting [2] 93/16 132/7
 meetings [3] 93/18 93/20 94/1
 Melvin [7] 104/25 105/5 105/6
 109/5 133/17 180/3 194/11
 Melvin Lashley [2] 180/3
 194/11
 member [15] 31/9 68/21 93/25
 101/11 102/8 105/6 105/16
 106/10 110/1 112/9 117/4
 121/7 122/24 123/1 144/12
 members [9] 34/17 41/4 69/9
 70/6 72/1 90/9 91/7 122/13
 122/15
 memories [1] 141/4
 memory [1] 141/2
 memos [1] 3/16

men [21] 194/6 194/14
 mention [2] 109/11 187/15
 mentioned [24] 35/17 44/18
 56/3 57/18 69/3 69/19 70/19
 81/22 86/20 122/16 128/5
 132/22 133/12 136/1 136/25
 142/6 143/10 145/5 152/5
 156/25 157/3 157/23 191/15
 200/4
 Mercedes [1] 27/20
 message [21] 163/9 163/13
 163/21 164/5 164/19 164/24
 165/25 166/14 166/17 166/25
 167/4 167/9 167/14 167/22
 168/7 169/13 170/23 171/10
 172/6 177/11 177/14
 messages [19] 163/8 163/20
 164/10 166/5 166/8 168/18
 169/18 169/25 170/3 170/4
 170/11 170/12 170/15 172/3
 177/19 191/9 191/10 192/6
 192/15
 met [13] 62/23 79/22 102/5
 109/22 111/13 121/4 124/13
 125/10 125/15 125/17 132/12
 136/1 136/4
 metal [8] 33/6 33/13 33/14
 35/23 51/21 51/22 51/25 51/25
 metallurgy [2] 33/6 33/7
 method [2] 7/5 8/5
 methodology [8] 4/17 5/14
 5/15 5/16 7/8 16/21 19/20
 20/4
 methods [1] 17/24
 microbes [1] 54/22
 microphone [4] 29/15 63/10
 149/3 197/23
 microscope [11] 8/14 8/15
 8/19 38/12 38/12 45/11 54/13
 54/16 55/2 56/13 56/22
 microscopic [3] 39/3 43/22
 51/9
 mid [1] 147/17
 mid-afternoon [1] 147/17
 might [21] 14/4 38/19 44/19
 56/12 58/23 68/18 74/8 74/9
 76/19 81/9 81/9 81/10 81/11
 81/11 95/15 127/22 127/23
 189/13 193/22 196/24 197/4
 mile [2] 152/17 183/1
 miles [3] 151/16 151/16 183/4
 Mill [18] 41/16 67/2 67/10
 67/24 70/5 72/15 73/15 99/17
 101/6 106/12 110/6 117/8
 117/19 119/11 119/13 152/18
 152/23 169/11
 Mills [1] 199/4
 min [1] 168/4
 mind [14] 20/1 42/3 58/22
 84/24 157/19 163/24 164/13
 164/13 166/8 167/9 172/20
 173/13 174/4 178/20
 mine [5] 68/14 73/10 75/22
 87/8 136/17
 mingled [1] 118/20
 minor [1] 141/11
 minute [6] 108/4 126/2 168/4
 179/18 180/6 204/4
 minutes [6] 22/1 108/23 109/6

111/12 177/22 196/25
 Miranda [2] 161/2 199/19
 Miranda rights [1] 161/2
 Miranda warnings [1] 199/19
 misconduct [2] 60/25 61/2
 mistake [2] 133/7 133/8
 mistaken [1] 184/10
 mistrial [3] 60/24 61/1 61/4
 misunderstanding [2] 124/4
 128/14
 misunderstood [1] 61/25
 MMP [4] 122/13 122/15 122/24
 123/1
 mob [4] 69/2 104/20 177/7
 194/19
 MOBB [1] 176/2
 mobbin' [2] 101/1 178/2
 mobster [5] 68/24 69/1 70/13
 79/18 123/9
 mobsters [24] 68/5 68/6 68/7
 68/11 68/13 68/22 69/9 69/20
 70/6 72/4 72/10 72/17 84/10
 101/11 102/8 104/14 105/6
 105/16 106/10 110/1 112/10
 121/7 144/12 144/18
 mobsters' [1] 144/14
 model [2] 155/24 160/16
 moment [2] 60/11 122/2
 moments [1] 80/12
 Mondawmin [2] 107/10 107/11
 Mondawmin Mall [2] 107/10
 107/11
 money [89] 71/6 77/6 77/7
 77/9 77/13 77/16 77/19 77/20
 77/23 77/24 78/1 78/10 78/17
 79/7 79/10 79/15 79/23 80/14
 81/4 81/5 81/6 81/15 81/17
 81/17 81/18 81/24 82/18 82/23
 83/2 83/4 83/8 84/2 87/9
 88/11 88/16 88/18 88/20 88/22
 88/23 88/25 89/3 93/1 94/6
 94/10 99/8 104/7 109/18 110/3
 111/14 111/15 111/17 111/19
 115/12 115/18 118/16 124/15
 129/23 130/10 130/18 131/1
 131/3 131/7 131/8 131/13
 132/1 132/3 132/19 135/12
 135/13 136/9 136/15 136/17
 137/2 137/5 137/15 142/9
 142/12 142/13 142/23 143/6
 143/7 143/18 144/25 145/2
 145/4 161/21 173/5 176/14
 176/15
 monitor [5] 42/16 43/2 43/4
 60/21 194/4
 monitors [1] 60/19
 mop [1] 195/12
 more [31] 3/23 5/18 8/4 12/1
 12/4 12/5 14/9 14/17 14/25
 20/20 27/11 28/23 31/11 50/10
 54/23 65/4 65/18 66/14 69/15
 71/16 74/14 131/2 131/13
 131/18 148/10 157/14 162/24
 163/14 163/25 164/10 197/13
 morning [19] 3/3 6/11 7/3
 29/8 29/22 29/23 32/24 32/25
 50/6 125/18 125/19 125/22
 167/12 167/16 171/11 197/7
 199/13 203/21 205/1

M	Case 1:16-cr-00267-LKG Document 1354 Filed 11/21/19 Page 228 of 244
Mossberg [1]	31/18
Mossberg Firearms [1]	31/18
most [10]	10/6 18/22 34/16
48/11	76/18 79/12 82/5 117/12
130/13	132/16
mostly [1]	4/15
motion [8]	3/21 60/24 61/1
61/4	61/15 61/18 61/20 146/14
motions [1]	6/16
Motor [1]	82/16
move [8]	59/17 137/13 173/16
174/8	174/25 175/15 176/4
197/10	
moved [1]	146/13
movement [2]	33/14 49/20
moves [1]	86/12
moving [1]	33/13
Moyé [1]	42/20
Mr [2]	62/13 90/6
Mr. [230]	
Mr. Anderson [19]	25/17 26/16
26/24	27/1 27/3 89/25 90/4
90/7	90/15 90/22 91/2 91/20
139/25	140/4 141/21 141/25
142/12	142/19 142/25
Mr. Anderson's [2]	26/17 27/8
Mr. Bailey [75]	21/21 25/11
26/15	62/12 73/7 73/11 73/14
73/21	73/25 74/2 74/4 75/11
76/5	76/12 76/14 76/23 77/8
77/9	77/11 77/22 78/3 78/6
78/8	78/10 79/2 79/7 79/18
81/6	81/16 82/19 82/24 83/7
83/11	84/5 84/8 84/9 85/5
85/22	86/2 86/22 87/24 89/24
90/1	90/3 90/8 90/15 91/9
91/19	92/19 92/20 92/23 92/24
93/6	93/12 93/25 94/21 95/17
95/20	95/25 96/8 96/11 96/12
97/3	99/1 103/15 107/5 123/6
126/12	128/3 129/13 129/23
130/22	133/19 135/10 141/19
Mr. Bailey's [10]	28/17 75/15
81/16	90/23 94/12 94/16 95/12
126/6	127/10 132/1
Mr. Banks [7]	25/17 26/6 26/7
27/17	28/13 28/16 135/9
Mr. Davis [29]	24/5 144/4
146/24	152/6 152/15 154/6
154/13	154/19 154/24 155/8
160/24	161/7 161/19 161/22
172/15	178/21 185/3 187/23
188/2	188/6 188/11 190/3
190/8	191/17 192/5 192/6
192/15	193/10 196/1
Mr. Davis' [3]	23/18 153/25
172/13	
Mr. Don Floor [1]	31/8
Mr. Enzinna [1]	122/6
Mr. Fox [1]	7/23
Mr. Greer [3]	126/2 126/3
126/9	
Mr. Hankins [32]	64/2 66/24
70/19	71/13 72/16 74/11 76/14
78/19	81/2 82/22 83/10 85/5
89/5	92/17 93/5 94/11 94/21
95/12	97/2 98/25 100/13 101/5
	105/20 107/2 108/2 109/2
	109/16 115/4 122/10 134/25
	139/23 144/11
	Mr. Hazlehurst [4] 144/1
	146/13 154/14 180/20
	Mr. Johnson [1] 201/17
	Mr. Jones [2] 194/24 195/9
	Mr. Lamont [3] 7/4 7/16 8/8
	Mr. Lamont's [1] 6/9
	Mr. Lashley [2] 195/5 195/15
	Mr. Randy Banks [1] 26/10
	Mr. Sardelli [1] 135/3
	Mr. Terrell Gale [1] 54/9
	Mr. Trainor [1] 139/16
	Mr. Wagster [22] 6/8 6/10 7/3
	7/4 7/15 7/20 7/25 8/8 8/11
	14/13 22/2 29/22 32/24 35/17
	43/1 51/12 51/19 58/3 58/11
	59/8 60/2 61/3
	Mr. Wagster's [1] 35/2
	Mr. Wedlock [7] 103/3 103/5
	103/9 103/13 105/20 105/23
	106/14
	Ms. [11] 14/17 22/15 22/19
	25/10 42/20 51/15 58/21 60/14
	61/2 92/14 204/18
	Ms. Amato [1] 60/14
	Ms. Hoffman [1] 22/19
	Ms. Hoffman's [1] 61/2
	Ms. Moyé [1] 42/20
	Ms. Perry [2] 92/14 204/18
	Ms. Whalen [5] 14/17 22/15
	25/10 51/15 58/21
	much [19] 8/4 12/25 20/18
	59/22 71/5 71/5 71/13 79/3
	79/10 81/17 82/18 88/20
	111/17 112/21 129/7 145/4
	193/25 196/14 203/15
	Mulberry [1] 112/22
	multiple [1] 132/12
	murder [12] 6/19 6/20 46/4
	46/17 48/14 49/3 50/17 51/7
	101/25 105/21 105/23 178/19
	murdered [2] 101/18 177/8
	Music [1] 78/9
	must [3] 20/5 139/12 139/13
	my [55] 5/19 9/13 15/3 15/12
	15/15 16/4 22/13 22/21 22/22
	22/24 23/7 38/1 38/5 41/2
	41/22 42/1 49/21 65/20 65/22
	74/21 76/6 83/6 84/17 94/18
	102/7 103/17 106/11 107/10
	127/2 127/11 127/13 133/18
	133/23 134/21 135/9 139/25
	149/5 149/16 149/21 149/24
	153/6 153/12 153/24 155/21
	156/4 158/12 159/19 165/11
	169/2 169/2 183/8 183/10
	192/8 192/9 195/2
	Myers [1] 150/19
	myself [4] 41/25 44/2 136/16
	182/16
	N
	nah [2] 195/17 195/17
	naked [1] 54/24
	name [22] 29/16 40/12 41/22
	63/11 63/12 69/22 74/23 75/23
	76/1 101/7 122/1 134/12
	139/25 149/4 149/5 149/6
	152/2 152/3 157/1 163/17
	180/10 197/24
	named [5] 96/15 107/2 109/17
	122/22 142/7
	names [3] 39/16 72/21 125/16
	narcotics [4] 149/18 150/9
	159/22 159/23
	National [1] 12/1
	nature [1] 28/18
	Navy [1] 83/16
	near [3] 85/20 150/19 151/23
	nearly [2] 8/12 11/18
	necessarily [4] 19/24 52/7
	53/20 136/10
	necessary [3] 61/16 99/10
	186/10
	neck [1] 108/7
	need [12] 3/7 13/23 14/11
	14/15 61/17 90/24 148/18
	166/11 168/4 170/16 178/25
	201/24
	needed [13] 25/3 84/17 85/16
	86/12 87/1 87/8 87/9 87/22
	94/8 106/19 115/6 142/25
	167/7
	needs [1] 3/8
	neighborhood [5] 68/5 69/21
	112/18 118/21 119/8
	net [1] 57/11
	never [21] 6/12 14/9 81/18
	94/19 104/7 106/23 123/2
	125/4 128/11 131/3 132/22
	140/20 141/21 142/19 142/25
	143/3 143/6 189/5 193/7 193/9
	194/6
	new [6] 4/10 31/19 164/15
	167/16 168/9 170/5
	New England [1] 31/19
	New York [1] 4/10
	next [33] 29/11 38/8 60/5
	60/9 62/18 88/7 97/22 115/11
	145/21 145/23 147/24 148/15
	148/16 164/16 166/11 169/13
	169/25 170/2 173/12 174/1
	174/2 174/16 174/18 175/9
	175/10 175/22 175/23 176/9
	176/10 177/9 178/11 178/15
	194/24
	NIBIN [5] 58/13 58/15 58/25
	59/1 59/2
	nice [2] 84/6 181/24
	Nick [8] 22/24 23/7 102/23
	104/17 104/25 108/21 109/5
	133/17
	nickels [1] 71/21
	nickname [1] 63/24
	nicknames [3] 63/23 102/12
	118/1
	nigga [1] 104/2
	niggas [3] 95/2 95/6 95/6
	night [4] 97/6 98/1 109/22
	112/22
	no [157] 1/4 5/12 5/17 5/20
	6/14 7/7 11/10 11/22 11/23
	24/12 24/13 28/20 31/6 33/4
	33/7 33/10 33/15 35/1 40/2
	40/5 40/19 43/5 51/1 51/11
	51/13 52/21 53/21 54/2 54/7

N	Case 1:16-cr-00267-LKG Document 1354 Filed 11/21/19 Page 229 of 244		
no... [128]	54/7 54/11 55/3 55/25 56/10 56/17 56/21 56/24 57/1 58/6 58/24 59/2 59/19 59/21 61/9 61/12 61/13 62/20 63/1 65/11 65/14 66/8 66/21 66/23 70/7 78/7 81/3 82/17 85/4 88/21 89/4 93/17 94/20 96/12 98/17 98/21 100/9 104/7 105/22 106/11 110/5 110/10 110/21 111/20 116/18 116/19 116/20 118/17 118/24 119/1 120/21 124/4 124/21 124/23 124/25 124/25 125/3 125/5 125/9 125/21 128/12 129/17 132/23 134/18 134/21 134/23 138/13 138/15 138/19 138/22 139/10 139/15 139/18 140/21 143/2 143/7 143/8 143/19 144/2 144/5 144/16 145/6 145/9 147/3 147/3 147/3 148/20 161/11 161/20 162/1 162/14 171/5 172/8 172/10 173/5 179/17 180/18 181/18 181/22 183/16 183/22 183/23 184/21 185/23 187/15 187/21 188/3 188/11 188/14 189/17 190/9 191/4 191/19 191/20 192/24 193/2 193/5 193/8 193/12 194/8 194/10 194/12 195/15 196/8 196/11 196/13 203/3 203/6 nobody [1] 83/5 Nods [1] 99/21 nonconsumptive [1] 10/23 nonetheless [1] 12/21 nonexhaustive [1] 9/7 normal [2] 84/12 171/3 normally [4] 112/15 113/2 120/9 181/20 North [2] 85/9 85/20 North Avenue [2] 85/9 85/20 NORTHERN [1] 1/2 not [135] 4/17 4/19 5/7 5/13 5/25 6/7 6/21 8/12 8/16 8/18 11/1 12/6 13/10 13/17 14/18 15/20 16/3 16/7 17/14 17/15 17/19 18/13 20/4 20/6 20/18 20/25 21/14 22/14 22/16 24/17 24/24 25/8 27/2 27/3 27/7 27/8 27/8 27/24 33/7 33/12 38/19 39/15 42/16 42/17 44/23 45/18 47/17 48/19 52/7 52/21 53/5 53/7 53/11 53/17 53/20 54/3 54/21 54/21 55/12 55/25 56/6 56/15 57/13 57/17 60/14 62/6 62/9 63/2 69/13 70/13 70/13 81/1 89/22 90/11 91/13 91/14 93/7 93/15 104/19 106/11 107/25 108/16 108/24 109/8 112/9 114/14 115/2 116/17 118/17 118/24 124/22 125/16 127/22 127/24 129/20 131/22 133/5 133/6 133/19 134/21 136/15 138/24 141/9 141/10 142/4 143/17 143/18 144/11 147/4 148/2 154/3 154/4 155/12 156/21 160/10	164/21 165/2 166/20 172/3 180/7 181/14 181/24 184/10 184/14 186/24 187/1 187/2 187/3 187/23 190/13 192/10 192/13 192/17 196/23 204/2 Notably [1] 12/18 note [4] 8/10 16/21 146/23 190/14 noted [2] 8/11 12/19 notepad [1] 94/17 notes [2] 8/1 19/5 nothin' [3] 50/18 70/10 98/12 nothing [11] 23/13 28/19 29/8 42/19 54/22 92/4 122/3 145/13 148/8 190/20 192/5 notice [5] 5/13 5/20 75/23 153/4 204/2 noticed [1] 153/7 noting [1] 23/3 November [1] 205/20 now [114] 3/5 28/25 33/20 37/4 44/18 46/1 47/1 50/11 51/9 52/6 52/7 53/8 53/23 54/12 56/6 57/10 61/11 63/5 65/23 66/9 66/24 67/3 68/6 68/25 69/19 73/21 74/11 74/22 75/18 75/23 76/14 77/7 77/15 78/10 78/19 80/12 82/18 84/8 86/12 86/20 89/5 89/8 93/5 94/11 95/20 95/24 97/14 98/7 101/24 103/2 108/12 108/18 108/22 109/6 109/16 111/13 111/21 116/11 116/21 117/21 119/14 121/11 123/1 125/2 125/10 128/2 129/22 131/15 132/4 132/11 133/9 140/12 145/23 146/2 147/13 147/16 152/5 154/20 154/22 156/25 157/23 158/4 159/17 162/11 165/25 168/16 169/17 171/21 174/25 175/15 176/4 176/16 177/1 177/24 181/4 184/12 184/25 185/5 185/21 185/25 187/15 187/22 189/8 189/18 189/22 190/2 191/9 191/12 192/18 192/24 193/13 195/25 197/9 204/19 nowhere [1] 97/11 number [84] 7/23 7/24 9/18 10/7 13/3 20/5 32/8 38/3 38/6 41/2 41/2 41/4 41/5 41/7 41/8 41/10 41/24 42/1 42/1 43/11 50/4 50/14 53/25 53/25 69/24 74/2 74/25 75/8 75/14 75/14 75/16 75/19 75/21 76/3 76/5 110/11 110/13 127/5 127/7 127/10 127/15 127/23 156/20 157/19 162/18 162/19 163/2 163/16 166/6 166/18 167/4 167/6 167/10 167/15 167/19 167/23 168/2 168/3 168/8 168/12 168/14 168/19 168/24 169/5 169/6 169/7 169/14 169/20 170/4 170/8 170/16 170/20 171/5 171/11 171/16 171/19 171/24 173/18 177/15 177/16 177/19 180/2 199/4 199/7 Number 4 Wyegate Court [1]	199/7 numbers [10] 15/7 54/8 75/4 76/12 126/12 126/17 170/12 191/7 191/8 204/19 numerous [1] 78/4 Nutty [1] 134/9 Nutty B [1] 134/9
O			
	o'clock [4] 89/11 92/5 205/1 205/2 Oak [4] 67/5 67/19 67/22 151/23 oath [5] 92/12 185/6 185/8 185/11 185/18 object [1] 23/14 objected [3] 23/22 23/24 204/6 objecting [2] 23/25 27/3 objection [22] 23/17 24/6 24/11 25/5 58/16 59/4 59/15 70/16 71/8 76/20 86/17 93/21 95/9 95/14 103/19 114/7 146/21 158/14 165/2 172/7 187/3 190/22 objections [1] 3/11 objects [3] 37/22 38/13 55/4 obligation [3] 62/21 63/1 82/17 observe [3] 28/12 31/22 84/9 observed [4] 71/5 84/11 151/8 151/13 observer [1] 8/7 observing [2] 71/20 182/20 obtained [3] 141/17 183/24 189/16 obvious [1] 53/11 obviously [6] 3/5 3/15 16/11 22/12 61/15 185/18 occasion [4] 76/15 115/25 172/14 178/21 occasions [5] 61/8 77/2 78/4 79/11 125/10 occupants [3] 151/19 151/24 153/17 occurred [3] 136/6 181/5 181/17 odd [1] 84/24 odds [1] 10/18 odor [1] 153/7 off [19] 38/10 65/22 72/12 74/9 82/3 82/15 90/24 91/5 97/12 97/13 100/7 100/24 112/22 127/21 157/21 165/22 192/8 201/10 201/13 off-white [2] 201/10 201/13 offense [3] 188/15 189/3 189/6 offering [1] 27/9 office [1] 38/1 officer [12] 30/18 34/3 53/14 153/25 154/12 156/25 157/2 157/3 181/7 181/10 187/6 191/13 Officer Crump [2] 157/2 157/3 officer's [1] 157/1 officers [2] 34/14 57/11 Official [2] 1/24 205/20 often [10] 32/2 68/17 71/2		

O	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 230 of 244
often... [7]	71/18 78/19 107/9 159/20 165/20 165/23 175/7
oh [14]	61/25 66/5 126/1 131/5 131/25 140/22 140/24 141/10 152/25 166/19 195/9 197/8 202/18 204/13
okay [137]	3/13 3/15 6/4 15/2 15/20 21/23 22/6 22/7 24/9 24/18 28/10 28/23 29/5 31/1 33/13 33/16 34/13 34/25 41/21 42/13 43/6 52/2 52/22 52/25 54/3 54/9 56/10 56/25 57/10 58/4 60/22 61/4 61/13 61/25 87/6 89/9 89/18 90/19 92/5 119/24 123/10 123/19 125/10 125/17 126/1 126/11 126/19 127/17 128/13 128/20 128/24 129/11 129/19 130/4 130/17 131/10 131/12 131/14 131/25 132/4 133/6 133/9 133/16 133/21 134/9 134/13 135/24 136/4 136/9 136/18 136/22 137/13 137/18 137/22 137/25 138/9 138/16 139/1 139/7 140/2 140/24 141/12 141/16 141/19 143/3 143/6 143/17 143/21 144/4 145/25 146/7 147/11 147/22 148/21 155/3 155/3 155/4 156/8 164/19 166/1 166/5 166/9 166/13 166/24 166/25 168/15 169/20 170/1 170/17 171/17 179/4 181/3 181/7 181/19 182/7 182/17 183/9 183/24 184/6 184/9 184/22 185/13 185/25 186/13 186/24 187/22 188/6 189/16 190/10 191/2 193/16 196/14 197/1 197/11 203/8 203/23 204/16
old [1]	63/19
Omertà [2]	174/11 176/25
Omertà code [1]	176/25
omit [5]	195/1 195/1 195/11 195/16 195/18
once [3]	113/9 113/13 161/16
one [80]	9/5 9/9 9/11 16/19 18/19 18/21 20/7 20/7 23/16 25/16 25/17 31/8 35/23 36/20 41/14 41/23 42/11 42/12 42/13 44/25 45/14 45/17 47/5 47/12 48/14 48/17 50/14 50/22 51/3 51/5 51/9 52/20 54/1 66/14 70/3 74/14 74/14 75/3 75/14 75/24 79/20 81/3 84/23 85/8 87/12 88/8 94/24 96/3 97/6 107/14 108/12 109/17 110/2 111/7 111/8 112/22 124/19 126/22 127/1 129/23 135/15 135/22 140/9 140/15 146/23 147/25 157/14 160/12 162/9 163/12 164/16 166/11 167/2 167/2 169/15 181/13 187/13 188/20 197/13 202/15
ones [3]	53/25 88/6 88/6
OneTouch [1]	160/17
only [10]	9/17 79/18 112/23
	113/9 138/5 139/2 143/14 144/19 147/6 154/5
open [7]	36/18 68/2 154/13 184/19 201/17 201/24 202/16
opened [1]	38/2
operable [1]	188/24
operated [1]	110/4
opinion [28]	4/2 4/10 4/12 7/1 7/6 7/12 9/14 11/15 11/17 14/19 15/11 15/12 15/17 16/3 16/4 16/8 17/10 18/3 19/25 20/16 20/23 21/1 21/15 21/17 35/4 35/7 35/10 35/12
opinions [2]	3/16 21/15
opportunity [3]	4/9 84/16 147/17
oral [1]	22/13
order [3]	6/13 25/4 136/14
orders [1]	84/11
ordinarily [1]	17/16
organizations [1]	198/15
oriented [1]	44/4
original [3]	24/20 24/25 185/24
other [76]	3/9 5/23 6/1 15/7 15/13 15/13 16/20 19/9 19/25 20/7 20/17 21/16 22/10 23/6 25/7 25/16 27/24 28/13 31/19 33/14 33/22 35/11 35/24 38/14 38/15 47/11 47/14 48/20 50/16 52/20 52/20 53/24 53/24 54/1 54/7 56/7 62/8 65/25 72/10 72/21 74/4 75/4 79/13 80/13 80/18 83/24 83/24 83/25 86/4 89/3 90/9 91/7 91/8 91/14 91/16 94/22 96/12 99/13 99/16 108/12 112/18 118/1 125/8 129/17 148/7 165/21 167/17 170/12 189/3 189/6 189/18 191/25 192/13 193/6 200/10 201/8
other .40-caliber [1]	53/24
others [2]	9/6 22/23
otherwise [1]	192/6
our [19]	6/7 6/16 8/11 9/1 9/2 9/16 9/19 11/16 13/5 23/3 38/3 92/4 145/23 147/22 153/13 204/4 204/7 204/9 204/14
out [83]	4/8 9/6 14/3 14/3 17/1 22/9 25/10 25/14 36/15 36/22 39/17 42/10 42/10 44/25 45/1 48/19 50/16 57/14 60/14 68/3 69/20 70/8 70/9 71/4 71/22 71/25 72/10 73/14 84/24 85/13 86/3 87/14 94/8 94/18 97/6 97/7 97/11 98/2 98/12 98/13 99/16 100/3 100/3 100/6 100/10 101/5 102/5 106/12 106/20 112/20 112/21 112/24 117/12 117/13 118/15 121/17 121/18 124/6 135/23 136/20 137/9 143/3 144/17 145/25 149/17 149/25 152/8 152/22 168/4 183/6 183/7 183/9 183/20 185/14 188/2 188/4 193/20 194/13 194/18 202/16 204/12 204/20 204/21 outliers [1]
outs [1]	144/14
outset [2]	13/6 35/6
outside [6]	33/23 124/10 124/11 124/13 126/6 161/17
outstanding [2]	154/1 154/9
over [25]	7/2 13/25 30/14 38/21 67/21 94/17 100/4 103/18 104/2 108/5 117/17 124/8 125/25 133/23 136/17 137/5 141/5 151/17 152/12 182/14 183/12 183/17 188/7 196/24 203/1
overall [1]	55/20
overestimation [1]	10/5
overrule [1]	25/6
Overruled [3]	86/18 114/8 172/10
Owings [1]	199/4
Owings Mills [1]	199/4
own [9]	10/24 10/25 13/15 14/4 15/11 17/17 19/7 21/9 116/16
P	
P-H-I-L-I-P [1]	149/6
p.m [8]	60/4 62/14 89/13 92/11 147/20 148/22 203/16 205/2
package [2]	41/8 200/8
packaged [3]	159/9 201/9 201/10
page [68]	74/18 74/18 74/22 75/6 75/13 75/19 75/23 76/7 107/18 107/23 107/24 108/14 110/17 170/2 170/10 172/23 173/8 173/12 173/16 173/18 173/22 173/22 174/1 174/2 174/3 174/8 174/9 174/16 174/16 174/17 174/18 174/25 175/1 175/9 175/10 175/11 175/15 175/16 175/22 175/23 175/24 176/4 176/4 176/9 176/10 176/10 176/11 177/1 177/1 177/9 177/9 177/9 177/10 177/24 177/25 178/4 178/5 178/11 178/13 178/15 178/15 178/16 179/13 187/7 187/9 187/10 190/11 193/21
Page 10 [1]	75/13
Page 14 [2]	173/16 173/22
Page 1456 [1]	178/5
Page 1457 [1]	178/16
Page 16 [1]	174/8
Page 17 [1]	174/16
Page 19 [1]	110/17
Page 2 [1]	172/23
Page 20 [1]	174/25
Page 22 [1]	75/23
Page 25 [1]	175/15
Page 270 [1]	107/18
Page 28 [1]	176/4
Page 29 [1]	176/10
Page 3 [1]	75/19
Page 30 [1]	177/1
Page 31 [1]	177/9
Page 32 [1]	177/24
Page 34 [1]	173/22
Page 35 [2]	174/3 178/4
Page 36 [2]	174/9 178/15

P	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 231 of 244	phone [90] 74/1 74/2 74/9 74/9 74/14 74/25 75/2 75/8 75/9 75/14 75/16 75/19 75/21 75/24 76/3 76/15 87/11 104/4 110/11 110/13 115/5 126/22 126/23 126/25 127/2 127/3 127/20 127/23 127/23 127/25 160/10 160/11 160/16 160/17 162/8 162/15 163/2 163/13 163/17 164/2 164/6 164/11 164/20 166/1 166/6 166/14 166/18 166/18 166/23 167/1 167/5 167/6 167/10 167/15 167/19 167/23 168/2 168/2 168/3 168/8 168/12 168/12 168/14 168/15 168/20 168/24 168/24 169/5 169/6 169/14 169/23 170/8 170/11 170/12 170/20 171/5 171/16 171/16 171/19 171/25 177/15 177/19 177/22 189/20 190/4 190/15 190/20 190/23 191/7 191/8 phones [11] 72/12 74/12 126/20 159/25 160/3 160/12 162/2 162/3 162/10 184/22 186/25 photo [9] 150/24 156/21 172/23 174/23 175/12 175/17 178/8 178/10 200/22 photograph [7] 26/4 26/6 28/17 28/21 55/11 55/13 102/24 photographs [28] 8/2 8/6 8/7 8/12 8/17 8/20 8/21 19/4 25/11 25/16 25/24 26/3 28/24 43/24 44/1 44/5 49/22 49/25 50/5 50/6 50/10 55/12 55/16 55/17 55/20 55/24 55/25 69/16 phrase [1] 95/13 physically [3] 36/18 36/22 183/7 picked [1] 54/4 picking [1] 57/12 picks [1] 53/14 picture [6] 27/25 73/20 123/5 143/11 200/19 200/25 pictures [3] 23/7 27/19 69/12 piece [4] 40/22 55/13 166/3 166/10 pieces [2] 160/11 192/21 pin [31] 4/23 4/24 5/2 5/3 8/4 36/8 37/8 39/6 43/23 44/13 44/14 44/16 45/7 45/8 45/8 45/18 46/25 47/6 47/7 47/10 47/13 48/17 49/11 49/15 49/17 50/8 50/13 50/15 55/21 55/22 151/2 place [3] 121/14 140/15 140/16 placed [9] 12/9 25/3 54/16 154/6 154/8 154/24 155/8 155/13 155/16 places [1] 181/24 plainclothes [1] 181/23 Plaintiff [2] 1/3 1/14 plan [1] 14/6 plans [1] 3/4 play [19] 60/8 78/16 90/24 91/12 91/25 107/16 108/12
---	---	--

P	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 232 of 244
play... [12]	108/15 115/21 130/8 135/16 136/16 146/11 179/7 179/8 179/12 179/15 193/17 193/18
played [14]	27/14 29/2 60/15 89/22 107/25 108/16 108/24 109/8 114/14 115/2 147/7 147/12 180/7 204/18
player [1]	137/1
player's [13]	137/11 137/15 137/23 137/24 138/7 138/17 138/20 138/23 139/3 139/5 139/6 143/15 143/18
Playin' [1]	176/3
playing [1]	136/10
plea [3]	64/25 65/22 124/8
plead [4]	64/14 64/17 64/20 64/22
pleaded [1]	124/5
pleadings [1]	23/3
please [18]	29/14 29/15 29/16 63/8 63/10 63/11 73/3 80/9 107/23 148/25 149/2 149/3 149/4 197/16 197/18 197/23 197/24 204/21
pled [3]	66/6 123/11 123/14
plus [5]	77/20 77/24 81/14 81/20 130/1
pocket [1]	45/1
point [30]	14/3 15/9 15/9 17/1 19/6 21/5 32/17 73/3 77/7 80/9 86/6 89/7 90/24 91/5 109/18 112/7 118/5 135/9 152/8 154/3 155/13 155/15 167/2 181/13 183/6 183/7 183/14 183/22 184/3 192/17
pointed [5]	4/8 14/3 25/10 152/25 194/13
police [25]	29/25 30/4 31/7 33/17 34/1 39/8 53/14 87/4 113/25 115/16 124/24 125/7 134/14 134/19 142/13 149/14 149/19 158/21 161/20 181/7 181/10 182/5 191/13 198/7 198/11
portion [3]	88/10 88/13 88/15
portions [1]	91/14
positions [1]	33/22
positive [1]	9/20
possession [1]	66/1
possibility [2]	11/8 44/25
possible [2]	42/8 145/10
possibly [2]	65/5 138/25
potential [3]	9/10 172/14 178/22
potentially [1]	116/1
pour [1]	42/9
powder [2]	200/9 201/14
powder cocaine [1]	200/9
power [1]	54/21
powered [2]	38/12 54/20
powers [1]	191/13
precinct [2]	160/24 161/1
precluding [1]	21/5
prefers [1]	197/3
prejudicial [2]	28/19 154/2
preordered [1]	81/8
preparation [2]	193/6 196/2
prepare [3]	185/10 185/22 186/9
prepared [7]	185/6 185/7 185/8 186/5 186/8 186/22 186/24
preparing [3]	179/16 179/20 193/3
present [4]	2/14 61/9 62/21 63/2
presentation [1]	12/14
presented [3]	19/11 23/6 203/20
preserved [3]	3/24 59/10 59/11
pressed [2]	13/20 166/20
pressure [1]	186/9
presumably [3]	3/5 3/7 37/1
presumed [1]	62/22
presumption [1]	62/22
pretty [4]	53/11 54/19 68/2 164/22
prevent [1]	16/7
previous [3]	32/13 134/17 177/20
previously [5]	136/1 136/25 172/18 179/9 204/1
primary [1]	12/9
primer [3]	35/24 36/9 37/9
primers [1]	57/5
prior [5]	34/1 44/6 123/14 134/16 152/11
privy [1]	133/5
probabilities [1]	33/3
probable [3]	185/11 190/7 192/25
probable cause [3]	185/11 190/7 192/25
probably [12]	26/22 26/22 28/23 52/5 62/19 70/14 71/7 77/6 120/3 135/19 145/24 196/24
Probation [1]	64/3
probative [3]	25/13 91/19 154/3
problem [1]	103/16
procedure [1]	55/15
proceeded [2]	161/13 161/15
proceedings [1]	205/16
proceeds [1]	132/2
process [3]	36/4 80/18 106/22
processing [1]	160/24
produced [1]	24/23
product [2]	159/23 165/22
professional [1]	12/5
proffered [5]	16/17 17/18 17/21 20/6 20/8
proficiency [9]	7/16 7/18 10/12 18/5 19/1 19/16 19/19 31/25 32/2
profit [5]	81/14 84/2 136/10 136/12 165/22
programs [1]	34/10
promise [1]	11/13
promises [1]	65/12
pronouncing [1]	174/11
proof [7]	11/11 12/15 62/23 62/24 80/22 80/23 131/16
properly [1]	7/8
property [7]	38/1 38/6 41/2 41/9 41/9 41/24 42/1
proposed [1]	6/16
proposing [1]	14/18
prosecutor [3]	133/2 137/17 137/21
prosecutorial [2]	60/25 61/2
prosecutors [3]	125/11 132/7 193/6
proven [1]	11/22
provide [15]	77/22 77/23 78/1 78/11 79/2 79/4 79/7 79/15 80/23 83/6 88/2 88/15 201/19 204/4 204/15
provided [9]	79/10 82/19 86/21 89/3 92/20 111/17 145/7 152/1 204/13
provides [1]	10/5
providing [1]	204/14
prudent [1]	5/18
psychiatric [1]	11/10
publication [2]	11/25 19/12
publications [1]	19/13
publish [1]	42/8
published [1]	42/22
pull [10]	36/8 36/17 36/20 60/11 150/20 151/17 156/14 157/13 162/7 188/7
pulled [10]	51/10 85/12 85/25 86/2 89/25 104/17 114/21 152/12 183/11 183/17
pulling [2]	91/10 107/19
purchase [12]	78/12 80/17 81/3 81/24 81/24 82/4 82/19 83/10 85/5 92/23 128/3 128/9
purchasing [2]	82/1 82/2
purely [1]	56/6
purpose [5]	8/21 23/5 30/9 31/20 44/1
purposes [3]	61/17 186/1 186/18
pushed [3]	29/9 36/11 42/18
pushes [1]	36/13
put [21]	4/22 9/1 20/5 23/3 24/3 38/11 41/25 42/4 58/22 96/17 100/24 106/19 126/5 136/16 137/8 148/14 160/7 169/15 180/13 186/9 193/21
puts [1]	31/14
putting [3]	96/22 96/25 148/10
Q	
Q-1 [2]	38/4 55/17
Q-1-B [1]	38/5
Q-2-B [1]	38/5
Q-6 [1]	55/17
qualifications [2]	18/7 18/8
qualified [5]	32/9 32/14 32/18 35/3 35/6
quality [5]	9/24 56/15 129/21 159/12 165/20
quantitative [2]	5/15 7/22
quantities [1]	71/19
quantity [1]	87/14
question [13]	16/12 17/9 51/9 51/24 57/6 61/5 66/14 158/15 165/14 169/6 170/19 191/1 194/21

Q	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 233 of 244	
questioned [3]	5/4 6/10 15/4	172/20 172/22 173/4 173/13
questioning [1]	61/2	173/14 174/4 174/6 175/14
questions [19]	33/1 51/13	176/2 176/14 176/22 176/25
	51/19 58/2 59/19 122/5 134/23	177/7 177/15 178/1 178/19
	139/15 139/17 139/18 144/2	180/1 180/10 191/25 194/18
	144/5 161/4 180/18 187/25	194/24 195/2 195/5 195/9
	196/8 196/11 203/3 203/5	195/12 195/15 195/17 195/19
quickly [2]	61/5 197/11	ready [5] 29/3 29/10 92/8
quite [5]	27/2 27/7 42/6	117/17 147/24
	113/12 175/7	real [4] 88/8 106/9 134/12
quote [3]	12/3 12/7 97/16	154/5
R		really [18] 9/9 9/14 10/7
rack [2]	44/24 44/25	10/20 10/21 11/1 29/9 42/14
radar [11]	150/18 150/25	54/21 57/6 57/7 57/10 81/3
	151/10 151/11 151/12 151/15	82/8 93/7 134/21 140/20
	182/7 182/10 182/23 183/4	173/15
	188/1	realm [1] 15/12
Rage [1]	102/14	Realtime [1] 205/19
raise [4]	63/8 146/10 148/25	reanalysis [4] 7/11 10/15
	197/16	18/1 19/19
ran [2]	100/7 153/25	rear [2] 36/12 83/24
Randy [2]	2/1 26/10	reason [6] 10/12 84/24 148/18
Randy Banks [1]	2/1	154/15 188/20 204/11
range [3]	10/2 18/23 129/6	reasonable [6] 6/23 13/22
rank [1]	144/14	14/2 14/22 16/9 62/24
rare [1]	69/13	reasons [7] 9/4 10/5 16/7
rate [20]	9/7 9/10 9/21 9/22	23/3 23/24 35/9 44/21
	9/25 10/2 10/8 10/13 10/16	rebut [1] 14/11
	10/17 11/6 12/20 12/24 14/8	rebuttal [1] 14/14
	18/20 18/21 18/24 20/10 20/12	recall [12] 74/14 79/10 85/3
	151/14	88/20 111/17 111/18 134/21
rated [1]	88/5	152/3 180/10 199/12 202/24
rates [2]	11/24 13/13	202/24
rather [3]	3/23 19/21 91/12	receipts [1] 83/6
raw [1]	165/20	receive [2] 65/15 65/17
RCR [1]	205/4	received [4] 38/1 38/6 41/3
RDR [4]	1/23 205/4 205/14	115/4
	205/18	recently [1] 16/12
re [3]	8/23 14/13 14/14	recess [8] 60/1 60/17 60/18
re-call [1]	14/14	89/11 92/7 147/22 147/23
re-calling [1]	14/13	204/25
re-examine [1]	8/23	reclining [1] 83/24
reach [1]	10/25	recognize [39] 17/5 18/22
reached [1]	40/15	19/23 20/21 41/18 46/10 67/7
read [29]	3/15 156/20 156/23	69/17 74/19 101/20 102/16
	157/19 157/21 162/19 162/21	105/2 105/12 106/6 108/2
	163/2 164/5 164/19 169/25	108/18 109/2 109/4 111/22
	172/3 172/5 173/3 174/10	114/17 116/7 117/22 119/3
	174/19 175/11 175/25 176/12	119/15 120/24 150/23 156/16
	176/20 176/24 177/6 177/14	157/8 158/5 160/9 172/23
	178/17 179/24 191/10 191/16	173/6 173/23 174/22 175/2
	192/1 192/21	175/17 200/22 202/17 202/18
readin' [1]	94/20	recognized [1] 19/13
reading [78]	108/6 163/13	recognizes [1] 26/19
	163/24 163/25 164/3 164/8	recognizing [1] 18/13
	164/13 164/15 164/16 164/17	recollection [1] 138/11
	164/18 164/21 166/1 166/8	record [38] 3/24 23/21 23/23
	166/9 166/11 166/15 166/19	24/1 24/7 24/20 24/25 25/2
	166/24 167/1 167/6 167/9	29/16 32/4 58/18 63/11 143/19
	167/11 167/15 167/20 167/23	145/20 149/4 152/8 153/23
	168/4 168/9 168/13 168/15	173/19 173/23 174/9 174/17
	168/20 168/25 169/1 169/7	174/18 175/1 175/16 175/23
	169/15 169/20 169/24 170/1	175/24 176/5 176/11 177/10
	170/5 170/9 170/12 170/16	177/25 178/5 178/16 179/24
	170/17 170/20 171/5 171/8	192/19 192/21 196/19 197/24
	171/11 171/17 171/20 171/25	205/16
		recorded [3] 178/22 179/10
		193/14
		recording [2] 147/7 179/8
		recordings [2] 179/11 179/11
		records [7] 7/17 24/23 54/7
		143/10 143/14 144/21 172/19
		recoup [1] 81/15
		recover [2] 158/10 200/17
		recovered [31] 45/3 50/21
		58/11 124/25 155/23 155/25
		156/3 156/5 156/12 156/19
		157/3 157/11 157/23 157/24
		158/8 159/25 160/2 160/3
		160/13 161/17 161/24 162/2
		162/10 162/15 180/15 184/22
		187/18 187/22 190/4 199/23
		201/3
		red [2] 24/7 151/2
		redirect [6] 58/7 58/9 144/7
		144/9 196/12 196/13
		reduce [1] 9/25
		refer [7] 45/22 165/10 165/18
		171/2 173/18 174/1 174/16
		reference [1] 19/17
		referenced [1] 4/1
		referred [4] 36/1 45/19 175/8
		181/13
		referring [5] 96/14 97/20
		115/9 153/1 177/21
		refine [1] 191/1
		refresh [1] 138/11
		refresher [1] 44/2
		regard [4] 3/25 146/17 188/11
		192/4
		regarding [3] 11/19 24/11
		188/14
		Regional [1] 31/15
		registered [3] 27/23 172/21
		205/19
		regular [2] 68/16 84/4
		rejected [1] 11/18
		rejection [1] 12/7
		related [6] 30/3 60/8 101/1
		113/17 190/20 198/20
		relating [3] 4/6 5/17 33/6
		relation [1] 45/22
		relax [1] 17/2
		release [1] 123/19
		relevance [11] 24/12 27/2
		27/7 27/18 27/21 28/8 28/10
		154/6 172/9 172/14 178/22
		relevant [15] 18/9 18/10
		24/17 25/13 26/8 26/17 28/1
		28/7 28/7 28/18 28/22 90/5
		90/13 91/13 91/19
		reliable [1] 18/11
		relied [1] 11/25
		relying [3] 18/5 179/20
		194/13
		remember [15] 26/22 51/24
		66/22 95/22 109/19 113/12
		133/20 136/5 136/7 140/7
		140/12 145/4 145/7 152/2
		193/16
		remind [5] 21/12 35/5 49/13
		61/7 62/18
		reminder [1] 172/1
		repeat [3] 158/18 187/25
		194/21
		reply [2] 166/23 167/19
		report [28] 4/23 6/2 9/1 9/23
		10/18 10/22 15/17 18/17 18/18

R	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 234 of 244	85/17 118/11 153/12 153/17 154/12 runnin' [2] 69/14 97/13 S S-Dot [21] 73/8 73/9 99/15 100/19 100/20 101/3 106/7 106/8 106/10 106/12 106/17 106/25 112/4 115/6 115/14 116/2 116/3 117/3 142/7 142/11 142/22 S550 [2] 110/23 111/5 safe [6] 38/11 201/3 201/6 201/16 201/17 202/20 said [90] 7/13 8/15 10/11 13/5 13/5 13/10 18/13 19/2 20/15 21/7 26/3 35/5 38/18 41/1 47/11 62/19 68/6 68/25 69/20 73/21 76/14 77/15 78/3 79/2 79/24 80/14 81/22 82/1 83/20 83/20 85/19 85/25 86/14 86/25 87/3 87/24 95/20 95/24 96/22 97/9 97/14 102/6 103/2 103/6 103/9 103/11 104/23 106/2 106/14 107/20 108/6 108/9 113/18 113/20 115/6 115/8 115/16 124/7 127/10 128/2 128/8 128/15 129/13 129/14 129/23 130/10 131/5 131/7 133/16 133/16 135/9 136/7 136/8 137/10 138/1 138/3 140/15 142/11 143/3 154/11 161/15 161/20 179/19 182/7 184/9 184/22 187/15 189/8 193/19 202/2 sale [2] 92/24 117/18 sales [8] 66/12 120/10 120/11 120/11 120/14 132/19 159/24 165/24 same [60] 4/24 5/3 5/4 6/18 6/20 7/22 11/22 11/23 13/8 13/9 13/9 14/20 15/4 15/8 15/24 16/3 16/3 16/8 18/2 21/7 23/2 23/24 26/13 30/11 36/16 37/10 37/14 43/20 45/15 46/21 46/21 46/24 47/10 47/13 47/15 47/25 48/15 48/16 48/17 48/21 49/8 50/15 51/5 53/17 56/21 111/10 120/3 157/16 157/18 164/15 164/21 165/14 167/1 167/12 167/22 168/2 168/13 168/14 186/13 202/7 sanctioned [5] 104/13 104/23 104/24 133/12 133/21 Sardelli [2] 2/2 135/3 satisfactory [2] 9/14 32/5 saved [3] 75/2 75/15 163/22 saving [1] 61/17 saving-time [1] 61/17 saw [24] 40/16 69/5 69/16 71/19 92/23 96/22 100/10 112/16 113/12 113/14 117/11 120/8 126/5 128/2 128/3 128/11 137/9 140/10 140/13 140/20 140/21 183/17 195/4 196/4 say [36] 3/18 4/5 5/25 7/25 8/1 8/1 9/17 14/11 14/25 15/5 18/17 22/3 28/13 32/6 39/15
---	---	---

S	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 235 of 244
say... [21]	40/22 41/20 47/8 48/5 57/22 61/17 62/19 74/9 82/14 82/18 83/3 98/12 98/14 113/23 120/11 130/5 130/20 147/25 161/16 170/12 182/15
saying [15]	15/5 15/8 16/2 16/4 16/8 21/5 24/16 28/6 56/23 94/4 95/1 104/10 125/25 154/15 189/7
says [48]	5/3 5/23 6/2 15/17 24/14 24/14 90/3 124/24 138/5 139/5 139/11 163/10 163/13 164/3 166/1 166/15 166/18 167/1 167/6 167/15 167/23 168/4 168/8 168/15 168/20 169/7 169/14 169/20 171/5 171/11 171/20 171/25 172/22 173/4 173/9 173/14 174/6 174/11 174/21 175/14 176/2 176/14 176/22 177/7 178/12 178/19 180/1 195/15
scale [6]	88/5 158/1 158/2 158/10 159/18 159/22
scales [4]	159/20 200/12 200/13 200/14
scam [3]	131/15 131/15 132/22
scenario [1]	10/16
scene [16]	41/14 44/20 45/3 45/14 46/3 46/16 47/4 48/14 48/25 50/17 51/3 51/6 53/15 54/4 59/1 155/21
scenes [5]	49/7 50/11 50/20 50/25 53/12
schedule [1]	145/19
scholarly [1]	12/4
School [2]	31/17 31/18
schools [1]	31/6
science [3]	11/9 11/11 51/25
scientific [5]	12/11 17/3 17/14 20/21 34/15
scope [3]	17/17 50/9 58/19
score [1]	7/13
scores [1]	10/11
scram [1]	78/13
scraping [2]	51/21 51/25
scratch [1]	42/1
screen [4]	74/23 97/22 180/14 190/13
scribbled [1]	94/18
scroll [1]	172/4
SDNY [2]	6/25 11/6
se [2]	96/12 112/21
seal [1]	41/22
sealed [1]	41/22
search [15]	74/12 150/8 155/18 155/22 159/6 160/19 160/22 162/4 198/17 198/24 199/1 199/3 199/11 199/21 201/3
search warrant [5]	162/4 198/24 199/1 199/3 199/11
search warrants [3]	150/8 159/6 198/17
searched [5]	27/6 154/9 156/4 184/3 184/6
searching [3]	12/4 200/15 201/16
seated [3]	29/14 149/2 197/18 seats [1] 83/24
second [17]	9/11 17/25 19/2 20/3 20/11 84/19 87/2 89/16 119/19 119/23 123/20 126/25 128/24 144/20 147/12 200/19 201/1
seconds [4]	108/23 109/7 179/19 180/6
secret [3]	130/14 130/15 137/2
section [1]	149/18
Security [6]	150/18 150/25 151/12 151/14 151/22 182/18
Security Boulevard [6]	150/18 150/25 151/12 151/14 151/22 182/18
sedan [1]	151/13
see [135]	8/2 8/7 8/18 14/14 14/21 22/9 23/14 27/12 28/12 28/25 38/13 42/5 42/20 43/2 44/24 50/9 55/5 55/7 55/10 56/3 56/12 56/19 60/12 60/14 69/8 69/11 70/20 70/23 71/2 71/18 71/22 72/4 72/7 73/1 74/23 75/19 76/7 80/7 84/13 84/20 85/5 90/22 90/25 91/8 92/5 94/16 95/25 96/8 96/11 96/16 97/2 97/2 111/1 112/5 112/12 112/14 112/16 113/5 113/7 113/8 113/10 114/21 117/6 117/9 117/11 117/15 117/16 118/3 118/13 118/18 118/25 119/9 119/20 120/6 120/13 120/21 122/5 131/23 137/8 140/22 140/24 145/18 151/2 152/6 152/22 161/16 162/25 163/5 163/9 163/12 163/16 163/21 164/2 164/11 165/25 166/5 166/14 166/17 166/25 167/4 167/14 167/19 167/22 168/3 168/7 168/14 168/19 169/1 169/5 169/13 169/19 170/3 170/10 170/15 170/19 171/4 171/10 171/19 171/24 172/25 173/9 174/12 175/19 176/6 176/17 177/2 177/11 178/1 178/12 182/23 183/3 188/6 195/3 195/13 196/18
seeing [1]	190/13
seek [1]	60/8
seem [1]	83/8
seemed [2]	17/5 82/9
seems [3]	20/6 20/10 147/16
seen [29]	17/3 22/23 56/1 90/10 94/19 96/2 96/3 96/4 96/12 96/17 98/5 108/6 110/6 110/25 113/4 113/9 120/14 120/16 120/17 137/13 137/18 140/6 152/11 152/14 152/15 169/10 175/7 184/12 193/7
sees [1]	8/13
seize [3]	158/10 159/17 200/7
seized [6]	142/15 150/9 159/6 189/9 198/20 200/25
seizing [1]	200/5
selecting [1]	162/12
sell [12]	72/10 78/12 80/17
81/5 81/25 84/20 129/7 129/8 129/8 131/18 131/20 161/20	
sellin' [1]	71/25
selling [9]	70/10 70/12 70/20 70/25 71/22 72/1 72/4 72/8 93/4
semi [6]	36/5 36/23 44/23 52/8 52/9 52/16
semi-automatic [5]	36/5 36/23 44/23 52/8 52/9
semi-automatics [1]	52/16
seminar [1]	31/15
seminars [1]	31/14
send [7]	42/11 42/13 103/6 103/10 103/11 168/24 171/22
sense [1]	22/8
sent [6]	104/7 163/9 163/13 163/17 163/21 170/4
sentence [4]	65/5 65/12 65/18 123/20
sentenced [1]	65/10
sentencing [1]	3/5
separate [3]	55/17 59/3 123/23
separated [1]	172/1
serial [2]	156/20 157/19
series [1]	191/9
serve [1]	120/16
service [1]	41/5
set [1]	13/23
seven [4]	47/5 47/11 47/12 47/12
seventy [1]	201/8
several [10]	22/23 31/18 33/24 39/18 44/21 74/3 94/15 125/10 132/10 191/10
Shakeen [25]	2/8 151/25 152/5 152/11 152/15 160/19 160/22 161/13 163/10 163/17 169/10 172/19 172/24 173/7 173/25 174/24 175/18 178/7 180/15 181/1 183/25 191/23 192/8 192/25 196/4
Shakeen Davis [18]	2/8 151/25 152/5 152/11 160/22 161/13 169/10 172/24 173/7 173/25 174/24 175/18 178/7 181/1 183/25 192/8 192/25 196/4
Shakeen Davis' [3]	160/19 172/19 180/15
shaky [1]	12/16
Shawty [1]	173/15
she [7]	24/14 24/14 40/4 90/3 158/15 158/16 158/17
she's [2]	24/15 24/16
shear [2]	44/15 44/16
shear marks [2]	44/15 44/16
shearing [4]	49/19 50/7 51/20 52/3
shells [1]	36/1
shifting [1]	61/3
shirt [3]	73/6 118/7 118/8
shit [2]	100/22 169/2
Shmurda [4]	107/3 107/6 107/11 109/11
sho [1]	194/19
shoot [1]	104/11
shooting [15]	5/21 41/15 44/20 45/15 48/25 51/4 54/5

S	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 236 of 244
shooting... [8]	54/9 57/19 57/21 57/24 58/12 58/12 58/23 134/17
shootout [2]	95/19 95/24
short [10]	23/9 60/1 60/3 60/17 90/2 145/22 166/20 194/18 196/20 196/22
shortcomings [1]	12/6
shortened [1]	27/13
shot [4]	36/20 91/1 134/16 134/19
shots [2]	97/12 98/13
should [21]	4/5 5/20 9/16 13/1 13/6 13/10 13/10 15/10 20/12 22/19 23/4 35/10 41/20 43/7 44/2 59/11 60/1 92/2 145/22 147/12 152/3
shoulder [4]	146/15 146/25 180/16 195/6
shouldn't [3]	8/19 11/11 15/15
show [50]	28/25 40/16 41/12 44/4 46/1 46/6 50/10 67/6 67/17 69/15 72/23 73/17 74/17 80/4 89/19 90/20 90/21 91/4 97/18 101/19 102/15 102/20 105/1 106/5 110/16 110/17 111/3 111/21 112/22 114/13 116/22 117/21 119/2 119/14 120/23 123/3 156/6 157/5 158/4 160/5 172/17 177/24 185/25 186/16 199/5 199/8 200/21 201/21 202/5 202/8
showed [4]	116/6 137/21 138/11 151/15
showing [2]	62/24 105/11
shown [2]	137/19 194/4
shows [1]	22/22
sic [5]	24/12 78/13 138/7 173/15 191/22
side [7]	38/13 38/13 52/20 54/16 54/16 93/7 102/25
sign [2]	123/9 176/15
significant [4]	7/12 7/19 18/2 19/6
signs [10]	22/22 23/8 28/20 69/11 69/15 69/16 69/17 100/25 107/14 122/20
similar [1]	48/1
similarities [1]	55/5
simply [3]	91/18 154/18 158/15
since [7]	5/20 5/21 7/1 34/4 66/6 151/11 173/14
single [2]	6/13 172/5
sir [15]	34/23 59/22 92/12 122/11 124/21 134/21 135/6 138/7 180/25 183/23 187/25 193/16 194/5 196/14 203/8
site [1]	188/1
sittin' [2]	94/19 98/23
sitting [5]	27/20 27/20 27/25 28/16 148/7
situation [3]	95/1 115/14 128/13
six [14]	16/21 41/14 43/12 43/17 43/23 44/9 44/12 45/14
	45/17 47/14 50/17 51/3 68/19 141/3
size [2]	45/24 45/24
ski [1]	158/3
ski mask [1]	158/3
skip [3]	154/10 179/18 180/6
Skipping [2]	168/18 169/17
slapped [1]	107/11
sleep [1]	178/19
Slick [1]	134/3
slide [3]	36/12 36/13 36/15
slides [1]	23/20
SM [3]	23/17 25/5 172/17
SM-10 [2]	23/17 25/5
small [12]	10/7 24/11 31/14 50/23 71/16 71/17 87/14 158/1 158/2 159/17 160/23 189/8
smartphone [1]	160/17
smell [2]	154/20 189/13
smelled [1]	155/1
Smith [4]	43/19 45/21 46/20 48/11
smokin'	[1] 98/24
SMS [1]	163/8
so [166]	3/4 3/5 3/23 4/19 4/20 5/6 5/10 5/17 7/22 8/17 9/6 10/1 12/7 12/24 13/17 14/5 15/15 15/19 16/23 18/7 18/25 20/22 21/2 21/18 22/8 22/17 22/21 23/14 23/21 24/15 25/5 25/20 25/24 26/8 26/17 27/7 27/24 28/17 28/22 29/4 29/7 29/9 31/1 32/5 34/20 36/23 37/12 38/14 38/18 45/13 48/12 50/24 51/2 52/2 52/12 52/22 54/3 55/4 55/15 56/18 57/6 57/17 58/24 59/14 60/2 62/7 62/11 69/15 72/12 72/13 77/21 78/16 79/2 79/5 80/15 80/16 80/23 81/13 82/1 82/9 82/14 82/15 83/7 87/6 87/14 87/17 87/18 87/20 87/24 88/11 88/13 88/22 88/25 89/12 89/17 89/19 89/23 90/12 91/4 91/12 91/25 98/12 100/8 100/10 100/22 103/8 106/14 107/16 113/21 115/22 115/25 117/13 118/21 119/24 120/17 121/18 123/23 124/24 126/9 127/8 127/22 128/11 129/11 130/4 130/18 131/8 133/6 135/8 135/22 136/19 137/9 138/16 139/11 141/4 141/21 141/24 143/6 143/17 144/14 145/10 146/19 147/5 147/6 147/18 148/6 148/9 148/16 151/9 154/3 154/6 160/11 162/4 165/22 167/12 168/21 169/15 176/23 181/19 181/22 181/24 183/11 185/13 188/4 190/25 191/24 203/20
Social [1]	23/17
Social Media	10 [1] 23/17
Sohar [1]	161/10
sold [16]	70/21 70/23 71/2 71/5 71/13 71/19 71/20 71/20
87/20	87/20 87/21 87/21 87/22
116/17	120/20 159/9
some [64]	3/9 3/11 4/1 13/23
	18/24 19/24 22/10 22/17 23/5 27/9 34/13 34/16 38/18 49/16 49/19 51/20 51/21 52/4 56/4 67/3 71/15 71/16 79/23 80/13 82/12 84/18 84/18 84/18 84/24 86/6 87/4 87/11 87/11 87/24 88/9 90/9 92/18 92/23 94/18 96/17 98/13 103/8 103/17 104/2 114/1 124/13 128/9 132/2 132/4 132/7 132/25 135/9 142/12 142/23 155/13 155/15 163/20 164/24 168/18 169/17 170/2 184/18 184/22 189/18
somebody [18]	68/24 70/11 81/9 81/25 85/1 85/9 85/12 86/12 87/20 87/21 87/21 87/22 94/8 95/5 99/4 113/25 154/11 194/14
someone [13]	8/22 8/24 21/11 21/13 68/21 69/1 85/25 86/2 103/21 107/2 115/5 120/17 179/20
something [47]	12/25 14/23 16/2 17/15 20/2 22/10 22/18 23/12 23/23 52/2 55/10 60/8 60/15 66/17 69/6 85/2 85/16 86/12 87/1 87/8 87/9 87/12 87/22 88/8 93/12 94/9 94/25 95/2 100/25 101/25 104/6 104/7 104/12 107/12 107/15 115/23 115/23 117/18 129/20 141/13 141/14 142/12 161/15 166/2 166/10 167/20 181/4
sometime [11]	121/4
sometimes [10]	36/1 68/19 112/18 112/18 127/17 144/25 145/2 148/15 169/9 204/3
somewhere [7]	37/1 53/2 73/12 96/11 99/24 117/1 135/21
soon [1]	204/21
sorry [8]	47/12 126/1 134/5 157/14 167/5 170/11 173/8 202/14
sort [12]	3/8 27/9 31/11 33/13 49/13 51/24 61/19 67/22 146/17 147/5 191/20 204/6
source [3]	78/8 80/17 81/3
south [2]	67/22 104/5
South Carolina [1]	104/5
Southern [1]	4/9
Southern District [1]	4/9
SP [14]	108/3 108/4 111/5 111/7 111/10 111/10 111/12 116/21 116/24 116/25 117/2 117/4 117/6 117/15
speak [10]	22/2 22/5 22/9 29/15 63/10 73/13 77/4 149/3 182/16 197/23
speaking [8]	3/18 24/13 26/15 34/13 62/9 62/12 90/4 91/19
speaks [1]	91/24
special [2]	2/15 149/17
Special Agent [1]	2/15
specialized [3]	17/14 17/15 31/4
specific [9]	4/22 4/23 20/5 68/25 69/6 69/22 145/5 145/7 204/19

S	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 237 of 244	28/8 35/7 36/20 43/3 62/7 92/12 167/6 195/9 stipulate [2] 62/5 62/6 stipulation [1] 27/9 stolen [1] 82/8 stop [17] 26/22 60/12 87/2 109/9 150/13 150/16 150/17 151/6 151/22 152/16 155/10 155/16 161/9 183/9 192/9 195/12 200/20 stopped [2] 161/16 183/10 stops [1] 151/11 storing [1] 96/11 straight [8] 52/24 52/25 86/10 94/6 113/21 114/3 141/14 152/9 strap [4] 146/15 146/25 180/16 195/6 street [13] 1/24 82/3 129/2 129/5 129/9 152/17 159/14 159/24 165/12 165/19 165/23 171/3 181/22 street-level [2] 159/24 165/23 streets [3] 70/3 93/2 181/24 stressed [1] 12/13 striations [2] 8/3 56/25 strike [2] 59/17 194/22 strikes [1] 36/8 strong [3] 12/11 153/7 169/1 struck [3] 38/22 45/17 61/5 structure [1] 144/15 structured [1] 35/21 studied [1] 19/8 studies [10] 9/13 9/15 9/17 9/19 9/19 9/21 12/2 12/2 18/25 52/3 studio [1] 79/22 study [8] 10/1 10/4 10/4 18/19 18/19 18/22 20/11 33/13 studying [1] 57/22 stuff [21] 57/3 69/2 71/16 71/17 71/25 93/11 98/3 132/15 136/21 164/15 167/16 167/17 168/9 168/9 168/22 168/25 169/1 170/5 171/13 171/14 171/14 style [6] 22/14 155/24 156/5 157/3 157/11 157/16 subfield [1] 7/17 subject [2] 21/7 199/1 subjective [5] 4/6 14/9 15/11 56/6 57/7 subjectivity [1] 19/24 submit [3] 146/19 146/22 202/21 submitted [5] 3/25 30/6 41/23 53/21 188/17 substance [4] 22/14 161/6 201/11 201/14 such [5] 12/2 14/1 15/8 159/21 165/21 sucked [1] 168/22 sufficient [8] 7/21 18/20 19/22 20/6 49/21 50/5 56/4 56/8 sufficiently [1] 4/16 suggest [4] 5/9 15/9 154/18 154/23	suggestion [3] 15/15 58/22 58/25 summarize [2] 9/3 51/2 summary [1] 48/12 Supermax [2] 121/15 121/20 supervised [1] 123/19 supervision [3] 64/2 64/10 64/18 supplied [2] 24/8 118/23 suppose [1] 6/25 supposed [8] 77/23 88/20 88/21 104/6 106/22 106/24 106/25 107/1 supposedly [5] 104/10 106/17 106/21 107/14 146/24 Supreme [1] 18/13 Supreme Court [1] 18/13 sure [33] 5/24 15/6 15/21 22/16 22/17 22/20 25/9 27/2 27/7 27/24 33/12 44/23 93/10 93/15 94/5 94/7 125/16 130/4 144/17 154/3 154/5 158/19 165/2 173/20 185/13 188/21 189/1 196/23 197/21 197/25 203/23 203/23 203/23 surface [3] 37/21 39/4 47/24 surface-damaged [1] 47/24 surfaces [2] 37/23 37/23 suspected [1] 198/18 Sustained [7] 59/16 70/17 71/11 76/21 93/22 95/10 165/4 sustaining [1] 59/4 swagged [1] 176/2 SWORN [4] 29/13 63/9 149/1 197/17 Syd [10] 119/18 120/1 120/2 120/4 120/5 120/6 120/8 120/13 120/20 190/15 Sydni [1] 2/11 Sydni Frazier [1] 2/11 symbols [1] 68/23
T		T-Roy [8] 117/25 118/3 118/9 118/11 118/13 118/16 118/18 118/23 tab [3] 107/24 108/14 179/13 table [4] 65/22 119/23 148/7 148/14 take [43] 4/9 4/20 5/6 5/18 8/25 22/8 22/11 40/9 42/4 43/24 49/22 55/11 55/12 55/24 55/25 57/18 60/1 60/17 62/15 71/7 74/8 77/13 77/15 77/16 78/16 82/15 83/5 85/8 89/10 106/20 109/18 113/24 121/14 124/8 130/7 135/14 136/9 136/19 136/22 147/13 147/22 202/16 202/18 taken [15] 26/15 28/24 33/2 33/5 33/8 41/9 44/5 60/18 92/7 102/24 109/14 115/16 142/13 147/23 154/16 taking [7] 27/25 53/14 57/17 94/24 108/10 124/6 129/24 talk [10] 11/14 29/1 76/18 76/19 76/23 77/1 112/20 125/24 144/20 192/2 talked [11] 86/3 92/22 116/21	

T	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 238 of 244	196/9 196/14 196/16 198/2 203/4 203/7 203/8 203/9 203/15 Thanks [4] 42/21 166/1 166/9 197/22 that [945] that's [107] 3/7 6/1 7/13 10/20 11/1 11/1 16/1 16/16 18/2 18/23 19/25 20/8 22/18 23/13 25/5 27/4 28/4 28/4 28/6 28/7 30/6 34/24 42/5 42/15 42/16 43/3 53/11 58/2 61/12 66/2 67/15 68/10 72/25 90/12 122/1 124/22 124/24 125/12 126/8 134/15 136/7 137/17 138/5 138/5 138/20 139/5 143/13 143/23 147/9 147/10 150/24 151/7 153/3 154/9 155/3 156/12 156/19 157/11 157/16 161/23 162/16 165/2 169/12 172/11 172/24 173/7 173/25 174/24 175/5 175/18 178/7 181/6 181/9 181/20 182/3 182/19 182/22 182/25 183/2 183/5 183/13 184/11 184/24 185/1 185/4 185/6 185/7 185/9 185/12 186/14 186/23 187/3 188/5 188/8 188/10 188/13 188/16 188/19 188/25 189/4 189/15 189/21 190/6 191/11 192/4 199/7 200/25 THC [2] 153/7 160/23 theft [6] 64/8 64/10 64/14 66/2 124/1 124/5 their [26] 8/8 10/12 10/13 10/25 13/7 13/14 13/15 13/19 14/4 14/10 18/7 18/7 21/9 23/24 31/8 37/22 37/23 53/1 59/14 63/4 69/18 124/17 125/16 133/22 136/15 159/12 them [52] 7/17 8/23 10/10 17/19 21/15 23/5 24/4 24/21 25/12 25/20 28/7 28/25 42/9 42/10 47/15 50/18 57/21 62/7 63/3 80/1 80/17 94/9 95/1 96/22 96/25 106/24 107/1 109/4 120/17 124/17 124/19 125/17 125/20 125/22 126/16 126/19 126/22 131/18 131/18 132/12 136/5 136/10 136/12 136/15 136/16 136/23 148/12 160/7 162/5 188/17 199/19 204/22 themselves [2] 9/13 30/4 then [74] 4/25 5/3 14/14 15/8 19/1 35/9 36/7 36/14 36/14 38/11 38/15 40/16 41/25 54/1 55/10 56/21 78/18 80/17 81/4 81/14 81/25 85/14 85/25 86/6 88/25 89/14 90/23 91/4 100/5 102/6 121/18 126/25 128/24 130/20 130/22 135/16 136/16 136/23 153/9 154/6 161/15 162/21 163/5 163/16 164/2 164/5 164/8 164/19 166/17 166/25 167/9 168/12 168/14 169/1 170/15 170/17 170/19 171/8 173/9 173/12 174/1
---	---	--

T	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 239 of 244	those [63] 6/23 7/18 9/10 9/16 9/21 11/4 11/24 12/6 21/15 21/15 23/20 23/22 24/2 24/7 24/19 25/24 25/24 28/14 30/9 37/12 43/17 43/23 44/1 44/9 46/10 46/18 46/20 47/7 49/25 50/12 57/23 58/24 59/2 70/5 77/1 79/11 82/4 88/2 90/11 103/8 109/2 123/23 132/14 135/22 148/9 158/8 162/3 164/13 164/21 166/8 185/21 188/12 188/17 188/21 190/18 190/21 191/5 191/17 191/21 192/5 201/9 204/19 204/20 though [5] 62/7 69/5 87/16 195/6 196/23 thought [7] 103/6 103/11 131/5 158/17 166/21 173/15 179/2 thousand [7] 71/7 79/14 81/12 99/5 112/2 130/5 130/7 Thousands [1] 32/8 threaten [1] 124/19 threats [1] 104/10 three [12] 8/14 74/16 79/14 85/15 86/11 86/14 97/12 126/19 126/22 160/3 167/24 201/8 three-dimensional [1] 8/14 through [44] 8/13 8/18 18/6 19/16 25/12 25/20 30/4 38/4 45/10 49/17 54/12 54/19 55/1 68/14 68/23 73/8 74/4 80/19 83/6 85/17 89/18 93/19 101/10 112/4 121/6 127/18 132/20 148/13 153/6 153/13 158/12 159/8 159/19 165/11 171/20 172/4 177/22 180/11 189/24 190/10 191/4 191/9 192/18 202/19 throughout [1] 148/7 throwin' [1] 69/14 throwing [4] 69/11 100/25 107/14 123/9 Thuggin' [1] 173/14 ticks [1] 49/16 tie [2] 181/19 181/25 Tiffany [4] 74/6 74/7 76/11 127/18 Tiffany Bailey [2] 74/6 74/7 time [71] 12/8 21/19 25/15 28/23 43/14 46/12 48/23 61/17 63/6 64/21 64/21 67/1 67/4 67/11 67/11 67/20 67/25 71/4 71/23 72/16 73/10 73/14 74/15 79/20 82/5 82/7 83/5 85/7 86/20 86/21 88/23 92/19 92/22 92/23 98/25 100/13 101/5 101/24 109/23 112/23 115/4 118/12 118/12 120/3 125/17 130/13 132/5 132/8 132/25 137/8 140/9 141/1 141/5 149/24 150/13 150/16 150/17 151/1 151/9 151/24 152/3 154/19 154/24 157/14 167/12 180/3 186/8 186/9 192/9 196/4 199/11 times [19] 32/12 32/13 62/19
---	---	---

T	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 240 of 244
times... [16]	68/19 73/13 76/23 79/7 79/13 85/14 94/14 99/9 112/20 116/21 117/10 127/22 127/24 132/12 132/14 204/1
tinted [1]	83/19
tire [1]	98/19
title [4]	149/15 149/23 149/24 198/8
Tobacco [1]	162/4
today [20]	3/12 24/2 44/6 50/1 73/1 80/7 112/5 118/3 132/15 135/8 152/6 167/16 171/12 181/19 184/12 191/25 195/25 196/5 197/14 203/13
together [3]	104/7 112/24 169/2
Toi [1]	199/16
Toi Cutchember [1]	199/16
told [58]	65/24 66/9 66/24 68/10 68/24 70/14 71/18 73/24 79/22 80/13 84/5 84/16 85/8 85/14 87/6 87/10 88/5 88/9 94/4 94/24 99/4 99/11 100/1 101/3 101/14 101/15 102/11 103/9 103/24 105/19 106/14 106/17 107/8 107/20 109/16 110/2 110/15 111/9 111/13 113/23 114/2 115/13 116/3 116/5 121/10 121/17 122/18 128/8 130/15 134/14 134/15 137/17 140/9 142/3 142/4 144/19 144/22 161/22
tomorrow [10]	167/11 197/7 203/13 203/18 203/20 204/8 204/12 204/14 204/18 205/1
too [10]	9/1 10/21 20/18 47/24 50/22 89/17 166/2 166/10 166/20 182/14
took [20]	36/22 55/16 79/8 84/17 85/9 86/25 87/3 87/6 95/6 95/8 95/13 107/12 107/20 107/21 109/18 111/14 113/20 113/23 141/13 188/17
tool [3]	10/23 31/10 34/11
tool mark [2]	10/23 31/10
Tool Marks [1]	34/11
top [3]	110/18 162/18 174/10
total [6]	82/18 128/16 160/3 166/11 203/1 203/2
totally [1]	59/3
touring [1]	31/20
towards [3]	93/10 94/7 161/14
townhouses [3]	112/15 113/11 120/7
Tr [1]	162/25
track [1]	148/16
traditional [1]	12/15
traffic [12]	68/2 150/12 150/16 150/17 151/6 151/22 152/16 155/10 155/15 161/9 188/4 192/8
traffickers [1]	198/18
trafficking [16]	150/2 150/6 158/24 159/3 164/25 165/6 165/8 165/16 170/24 170/25 191/21 192/7 198/14 200/5
trained [3]	8/13 10/9 31/7
training [12]	18/4 31/4 31/13 31/23 35/3 35/9 153/6 158/12 158/15 158/16 159/19 165/11
Trainor [2]	2/7 139/16
transactions [4]	84/9 92/18 92/25 192/16
transcript [10]	107/18 107/18 108/5 108/14 179/13 179/16 179/20 179/22 193/21 205/15
transcripts [1]	179/14
transferred [2]	24/22 162/3
transported [1]	160/24
Trapper [1]	173/4
traveling [3]	151/13 151/16 161/14
trial [3]	23/22 193/6 196/2
tribology [1]	33/8
tricky [1]	14/5
trigger [4]	36/8 36/17 36/20 51/10
triple [1]	78/17
tripled [1]	130/10
TroubleM [1]	190/15
troubleM5200 [1]	163/6
true [8]	19/25 56/21 124/22 130/17 130/17 137/4 137/22 187/3
trunk [13]	97/1 126/6 155/25 156/3 156/4 157/4 157/12 157/17 157/24 157/25 158/9 184/14 184/19
truth [2]	65/4 65/9
truthful [1]	185/19
truthfully [1]	13/14
try [4]	157/14 183/14 183/15 197/10
trying [11]	54/13 56/7 83/8 85/16 100/7 100/21 115/17 115/18 120/9 120/9 145/25
tube [1]	35/23
Tuesday [1]	1/8
tunnel [1]	9/9
turn [4]	74/18 74/22 75/18 77/7
turning [9]	42/16 43/10 50/11 75/6 75/19 75/23 76/7 152/20 173/12
twist [1]	48/8
two [38]	6/14 10/18 11/22 11/23 20/7 25/10 25/16 37/13 38/13 54/16 55/4 55/13 55/16 55/17 55/20 76/7 79/14 79/14 85/15 86/11 86/14 112/2 116/10 116/10 123/23 126/19 151/23 163/25 164/1 166/11 166/12 168/5 169/25 170/3 170/11 187/22 194/6 194/14
two-door [1]	116/10
type [4]	28/1 103/17 120/22 184/18
U	
U.S. [3]	32/16 64/3 201/7
U.S. currency [1]	201/7
U.S. Department [1]	64/3
U.S. District Court [1]	32/16
Uh [2]	130/6 130/21

U	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 241 of 244	vehicles [9] 25/18 25/23 25/24 82/1 82/2 82/4 82/7 82/12 107/9 vein [1] 53/17 verified [1] 20/2 versus [1] 11/15 very [19] 8/10 9/2 10/6 11/14 23/9 26/23 35/5 36/10 36/10 59/22 90/21 91/13 144/8 148/15 193/25 194/17 194/18 196/14 203/15 Vic [4] 96/17 96/22 96/23 126/6 vice [1] 149/18 vice/narcotics [1] 149/18 vicinity [1] 37/1 victim [2] 46/8 47/20 video [36] 23/2 23/9 23/14 24/11 26/12 26/13 26/14 26/20 26/20 26/22 26/24 27/2 27/12 27/12 29/1 60/7 60/11 62/5 62/8 62/11 89/19 89/20 89/22 90/10 90/13 90/21 90/25 91/2 91/6 91/12 92/1 114/14 114/25 115/2 116/6 116/7 view [1] 154/25 vigorous [1] 12/13 violating [1] 64/17 violation [1] 81/10 violations [3] 80/19 150/5 159/2 violence [1] 94/23 vision [1] 9/9 voice [11] 26/20 26/20 26/21 26/23 76/16 89/24 90/23 108/18 108/20 114/17 114/19 voices [2] 108/2 109/2 voir [4] 29/20 32/20 32/22 205/5 voir dire [1] 32/20 VOLUME [1] 1/13 vs [1] 1/4
V		W W-A-G-S-T-E-R [1] 29/18 W-I-L-S-O-N [1] 149/6 Wagster [29] 6/8 6/10 7/3 7/4 7/15 7/20 7/25 8/8 8/11 14/13 22/2 29/12 29/13 29/17 29/17 29/22 32/18 32/24 35/17 43/1 51/12 51/19 58/3 58/11 59/8 60/2 61/3 205/5 205/6 Wagster's [1] 35/2 wait [4] 81/14 85/12 121/17 121/17 waited [6] 85/10 85/22 88/11 100/4 100/4 128/6 waitin' [1] 113/20 waiting [4] 3/6 22/1 114/2 141/13 walk [1] 100/6 walked [4] 98/6 100/4 153/12 196/5 walkin' [4] 97/7 97/10 98/10 98/10 walking [1] 98/11 Walther [1] 31/17 want [45] 3/18 7/23 8/25 10/17 11/14 14/22 21/11 25/7

W	Case 1:16-cr-00267-LKG Document 1364 Filed 11/21/19 Page 242 of 244	125/17 127/9 127/24 127/24 128/8 128/21 132/24 134/19 137/25 140/18 140/25 143/15 143/17 151/5 153/4 154/12 154/24 161/19 168/16 169/3 178/19 182/14 184/6 185/5 185/10 185/13 185/22 186/8 186/24 188/1 189/13 191/22 204/20 where [77] 9/20 14/21 15/1 16/13 23/22 29/24 30/17 33/17 37/2 38/18 55/15 60/12 62/8 63/21 67/11 69/13 69/24 76/23 77/22 85/19 89/19 90/2 90/21 91/9 93/1 96/8 96/8 96/19 96/23 96/25 97/20 98/8 98/18 99/23 99/25 100/10 102/24 102/25 108/9 110/4 111/19 112/14 113/5 113/14 114/25 116/15 117/6 118/9 119/7 119/9 119/22 120/6 121/5 121/14 121/14 127/22 128/5 131/16 133/12 140/12 148/10 150/15 151/5 152/14 152/16 161/14 164/9 176/12 178/8 178/12 181/24 184/3 187/6 192/6 192/15 194/25 195/1 whether [21] 6/22 8/23 17/9 17/9 35/7 38/19 48/20 52/14 52/19 53/8 112/9 116/17 128/3 138/7 140/3 140/6 158/15 188/11 188/14 189/2 203/22 which [71] 4/11 6/17 7/5 7/12 7/18 8/4 9/10 9/13 10/1 10/15 10/17 10/19 14/3 17/7 22/16 22/22 22/24 23/1 23/6 30/5 31/9 35/23 37/19 38/3 38/12 41/13 43/1 43/11 46/2 46/7 64/21 72/1 73/17 81/10 88/5 88/6 90/7 97/14 102/20 111/7 125/15 129/17 146/25 149/12 149/17 150/9 152/15 158/2 159/6 159/21 159/23 162/8 162/9 163/17 172/18 173/22 174/2 174/9 174/17 174/25 175/10 175/16 175/23 176/4 176/10 177/1 177/24 178/5 178/16 179/9 198/6 whichever [1] 167/24 while [10] 15/5 20/4 42/15 60/2 85/12 85/23 107/19 135/22 151/12 161/14 white [11] 80/11 111/8 112/8 115/22 151/13 152/10 158/2 160/17 182/24 201/10 201/13 Whitman [1] 33/24 who [89] 10/8 10/9 25/12 25/19 28/21 39/12 51/10 52/3 53/8 53/18 57/10 65/19 69/21 70/4 70/25 72/1 72/17 72/19 72/24 73/9 79/18 80/5 87/15 89/25 90/9 90/11 91/8 93/14 95/20 95/22 96/14 97/9 98/6 98/15 99/14 99/16 100/18 101/7 101/15 101/22 102/18 103/9 103/24 104/24 105/4 105/14 105/20 106/20 106/24 109/4 109/14 109/24 110/18 111/24 112/16 112/16 114/21
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W	Case 1:16-cr-00267-LKG Document 1354 Filed 11/21/19 Page 243 of 244		
who... [32]	114/23 116/23 117/2 117/24 119/5 119/17 119/25 120/4 121/1 121/18 124/15 131/21 133/1 139/25 141/8 144/17 144/17 144/19 146/4 147/3 151/21 153/25 156/4 175/4 176/23 178/6 179/24 194/6 199/1 199/9 199/14 204/12	Windsor Mill-Forest Park [4] 70/3 72/15 106/12 117/8 winning [1] 143/18 winnings [4] 79/16 129/25 143/12 143/15 wins [1] 143/10 wire [3] 107/17 107/24 204/17 wise [1] 88/21 wish [1] 139/16 within [4] 16/9 17/17 18/23 149/25 without [6] 14/24 57/21 57/22 93/24 164/23 170/22 withstood [1] 12/8 witness [52] 13/21 25/11 25/19 25/22 26/1 26/6 26/14 26/19 26/25 28/12 29/11 29/13 35/6 35/11 59/24 59/25 60/6 60/9 60/10 62/3 62/18 63/5 63/9 89/15 89/23 90/6 90/11 90/14 92/9 124/6 145/15 145/17 145/21 145/23 146/1 146/4 147/18 147/24 148/7 148/8 148/13 148/15 148/19 148/23 149/1 196/17 196/20 196/22 197/13 197/17 203/11 205/4 witnessed [1] 104/3 witnesses [11] 21/16 22/17 28/13 28/14 61/10 62/21 63/2 204/12 204/13 204/14 204/15 wolfmobb [2] 163/6 190/16 woman [4] 23/13 24/13 27/13 91/22 won [5] 124/15 130/20 138/2 138/2 145/4 won't [1] 13/12 Woodlawn [1] 149/25 Woodlawn District [1] 149/25 word [10] 13/8 13/9 14/20 108/7 131/4 174/10 195/1 195/11 195/16 195/18 words [4] 5/23 14/2 56/7 97/23 words' [1] 108/10 work [11] 3/4 17/23 23/24 29/24 39/9 42/6 60/14 66/10 81/23 149/16 181/20 worked [4] 33/24 66/11 78/15 136/20 working [9] 42/17 43/3 60/20 60/21 182/7 183/19 187/23 188/1 188/4 works [6] 36/4 42/12 138/6 149/17 149/25 167/24 world [1] 6/13 worry [1] 83/4 worst [1] 10/16 worst-case [1] 10/16 would [158] 4/3 5/8 5/8 5/18 6/5 6/11 6/21 7/20 8/11 9/20 10/19 13/21 14/3 14/21 14/21 14/25 15/1 15/9 16/20 17/10 17/10 17/16 18/17 20/1 20/17 20/22 20/23 21/12 21/18 21/22 22/4 24/6 24/6 28/24 32/6 32/17 35/23 35/24 35/24 36/6 36/21 38/4 38/5 40/15 40/16 42/7 52/2 52/3 53/1 53/2	56/21 57/10 57/11 58/24 61/7 61/24 82/7 69/8 70/12 71/18 71/22 72/12 74/7 77/13 77/16 77/19 77/19 77/22 78/1 78/10 78/11 78/11 78/16 78/17 78/18 79/2 79/3 79/4 79/18 80/13 80/16 80/16 80/17 80/18 80/23 81/3 81/5 81/7 81/8 81/13 81/13 81/14 81/17 81/23 81/24 81/24 82/13 82/15 82/18 83/4 84/1 84/6 89/8 91/12 94/8 94/10 103/15 103/15 112/14 112/16 112/16 113/7 113/8 118/11 118/13 119/9 119/11 120/6 126/9 127/20 129/11 130/4 130/7 130/18 130/20 130/22 131/16 131/18 131/20 132/1 135/19 136/5 136/11 136/11 136/14 136/19 138/11 138/22 148/2 148/9 154/4 154/18 154/23 159/20 163/24 164/13 164/13 165/19 165/23 166/8 167/9 172/20 173/12 174/4 185/22 193/16 196/23 196/23 wouldn't [8] 82/15 83/25 130/15 138/13 138/14 181/24 182/15 185/21 wounded [1] 88/22 write [2] 133/3 185/5 wrong [4] 9/4 10/19 13/2 139/12 wrote [4] 133/4 184/25 185/2 185/23 WVA [1] 168/15 Wyegate [2] 199/4 199/7
		Y	
		ya [5] 167/1 167/16 169/3 171/13 176/14 yahoo.com [1] 162/23 yeah [11] 110/2 137/21 146/2 155/3 164/3 164/18 166/19 167/11 167/20 170/9 202/18 year [8] 7/16 32/3 39/19 137/5 137/14 149/21 149/21 173/4 yearly [2] 31/14 137/18 years [14] 17/23 30/14 30/20 31/1 33/25 39/18 44/3 132/10 135/22 158/22 158/23 158/23 164/24 198/12 yelled [1] 97/9 yellow [1] 168/22 Yep [2] 55/9 202/13 yes [455] yesterday [4] 3/25 7/1 14/3 171/13 yet [3] 17/20 65/10 204/9 yo [2] 168/4 195/19 York [1] 4/10 you [1369] you'd [8] 36/5 36/18 36/19 61/11 92/14 146/3 158/18 193/6 you'll [1] 75/23 you're [48] 44/23 49/13 49/15 53/9 53/14 54/12 54/13 54/19 54/21 55/7 56/7 56/7 56/18	

you're... [35] 57/3 57/7
57/17 67/13 67/22 89/6 92/12
96/14 97/20 111/10 135/1
137/1 139/4 143/17 143/17
153/1 156/10 181/19 181/24
182/13 182/14 182/18 182/20
185/13 185/16 189/1 190/23
191/12 191/25 192/10 192/13
194/13 196/15 202/15 203/10
you've [21] 14/17 31/12 32/6
33/23 64/5 96/2 120/17 132/4
132/7 132/12 132/14 132/15
132/17 133/9 140/1 158/21
184/12 185/18 189/18 191/13
195/25
young [2] 68/3 176/2
younger [2] 71/24 71/25
your [220]
Your Honor [87] 3/10 3/20
3/22 4/8 5/18 6/6 7/1 11/7
14/24 21/24 22/16 23/2 24/4
24/5 24/10 25/1 25/9 26/5
26/9 27/1 27/15 27/16 27/17
28/1 28/9 28/11 32/17 32/20
34/24 42/7 42/15 51/16 58/21
59/15 60/21 60/23 61/12 61/14
61/23 62/4 62/11 70/16 71/8
86/17 89/8 89/21 89/23 90/20
91/6 92/4 122/3 133/25 134/23
139/15 139/19 143/23 144/2
144/5 144/8 146/10 146/14
146/16 146/23 147/10 147/14
147/25 153/21 153/24 154/18
158/14 165/3 173/17 178/25
180/21 186/2 186/16 190/25
193/22 194/22 196/8 196/13
197/2 197/19 203/6 203/9
203/19 203/25
Your Honor's [1] 21/25
yours [1] 56/15
yourself [4] 86/22 95/25 97/2
191/17

Z

zero [3] 9/22 9/22 12/25
zippered [1] 184/17
zone [2] 151/16 183/1
Zweizing [3] 1/23 205/14
205/18